



# **Ministry of Land, Water and Resource Stewardship**

## **TRANSITION BINDER**

### **October 2022**

# Ministry of Land, Water and Resource Stewardship

## Minister's Transition Binder

### Table of Contents

October 2022

| TOPIC   | TAB |
|---|-----|
| <b>Ministry of Land, Water and Resource Stewardship Binder Materials</b>  |     |
| <b>Natural Resource Overview</b>  |     |
| Natural Resource Ministries Roles & Responsibilities  | A   |
| Organizational Structure to Support Natural Resource Sector Integration   | B   |
| Natural Resource Ministries Overview  | C   |
| Environment and Land Use Cabinet Committee (ELUC) Overview  | D   |
| <b>Ministry Overview</b>  |     |
| Ministry Profile and Regional Map   | E   |
| Divisional Overviews and Executive Biographies  | F   |
| LWRS Functional Organization Chart  | G   |
| 2022 Ministry Mandate Letter  | H   |
| <b>Legislation</b>  |     |
| OIC Establishing Ministry of Land, Water and Resource Stewardship   | I   |
| Summary of Legislation Administered by <i>Land, Water and Resource Stewardship</i>  | J   |
| Environment and Land Use Cabinet Committee Act  | K   |
| <b>Ministry Information Notes</b>   |     |
| <b>Land Use Policy, Planning and Ecosystems</b> <ol style="list-style-type: none"> <li>1) BC – Canada Nature Agreement</li> <li>2) Caribou Recovery Program</li> <li>3) Collaborative Indigenous Stewardship Forums</li> <li>4) Cumulative Effects Framework</li> <li>5) Indigenous Protected and Conserved Areas</li> <li>6) Modernized Land Use Planning</li> <li>7) Old Growth Strategic Review – Recommendation #2 (Ecosystems Health as it relates to OGSR with FOR)</li> <li>8) Old Growth Strategic Review – Recommendation #4 (A More Inclusive and Stabilizing Approach to Governance)</li> <li>9) Species at Risk Recovery</li> <li>10) Spotted Owl Recovery Planning</li> <li>11) Together for Wildlife/ Advisory Board</li> </ol> |     |
| <b>Water, Fisheries and Coastal Policy &amp; Planning</b> <ol style="list-style-type: none"> <li>12) Watershed Security Strategy and Fund</li> <li>13) Groundwater Licensing</li> <li>14) Hullcar</li> <li>15) Koksilah Water Management</li> <li>16) Drinking Water</li> <li>17) Strategic Overview Water Agenda</li> </ol>  |     |



|   |  |
|---|--|
| <p>18) BC Salmon Restoration and Innovation Fund<br/> 19) BC Wild Salmon Strategy and Action Plan<br/> 20) Salmon Aquaculture Transition<br/> 21) Coastal Marine Planning Initiatives<br/> 22) Development of a Coastal Marine Strategy<br/> 23) Anchorage<br/> 24) Fish Species at Risk<br/> 25) First Nations Fisheries Council<br/> 26) Fish Flood<br/> 27) Fish Habitat Restoration</p> <p><b>Reconciliation and Natural Resource Sector Policy</b><br/> 28) Co-developing a land and resource management regime with First Nations<br/> 29) Co-management Guidance<br/> 30) Section 7 shíshálh Nation<br/> 31) Cabinet Confidences<br/> 32) Advice/Recommendations; Cabinet Confidences; Government Financial Information<br/> 33) First Nation Consultation System<br/> 34) Advice/Recommendations; Legal Information<br/> 35) Cabinet Confidences</p> <p><b>Natural Resource Information and Digital Services</b><br/> 36) Cabinet Confidences</p> <p>37) Natural Resources Sector Radio Repeater Network</p> <p>Cabinet Confidences<br/> 38) Cabinet Confidences</p> <p><b>Cumulative Effects NRS Solutions</b><br/> 39) Provincial Response and Implications of Yahey Decision</p> |  |
| <b>Declaration on the Rights of Indigenous Peoples Act</b>  |  |
| <p>Overview of the Declaration Act<br/> Declaration on the Rights of Indigenous Peoples Act &amp; Articles of UNDRIP<br/> Implementation:</p> <ul style="list-style-type: none"> <li>• Legislative Alignment and Process</li> <li>• Action Plan</li> <li>• Annual Report</li> <li>• Indigenous Governing Bodies</li> <li>• Decision Making Agreements</li> </ul> <p>Shared Decision Making Table<br/> Overview of Ministries Identified in DRIPA Action Plan<br/> Interim Approach to Implementing the Requirements of Section 3 of the Declaration on the Rights of Indigenous Peoples Act</p>   |  |

|   |            |
|---|------------|
| <b>GCPE Issues Notes</b>  |            |
| <ul style="list-style-type: none"> <li>• Establishment of new LWRS ministry</li> <li>• Permitting, Authorizations and Statutory Decision Makers</li> <li>• Cumulative Effects Framework</li> <li>• Old Growth Implementation</li> <li>• Indigenous Protected and Conserved Areas</li> <li>• Species at Risk</li> <li>• Spotted Owl</li> <li>• Predator Reduction</li> <li>• Wild Salmon Recovery</li> <li>• Aquaculture in BC</li> <li>• Invasive Mussels and Crabs</li> <li>• Steelhead Populations</li> <li>• Sturgeon Mortalities</li> <li>• Caribou Recovery</li> </ul> |            |
| <b>Agencies Boards and Commissions</b>  |            |
| Overview of Agencies Boards and Commissions across the NR Sector  |            |
| <b>Stakeholders</b>   |            |
| Key Stakeholders list   |            |
| <b>Service Plan</b>   |            |
| Ministry of Land, Water and Resource Stewardship Service Plan   |            |
| <b>NRS Organizational Effectiveness Review</b>  |            |
| Orientation to Natural Resource Sector Restructuring  |            |
| <b>Corporate Binder Materials</b>   |            |
| Ministry Profile  | Appendix A |
| Core Business/ Program Areas / Business Processes   | Appendix B |
| Corporate Issues Notes prepared for Premier's Office  | Appendix C |
| 30/60/90  | Appendix D |
| Government 101  | Appendix E |



September 2022

## **NATURAL RESOURCE MINISTRIES**

### **Roles & Responsibilities**

#### **Natural Resource Ministries**

There are six (6) BC Public Service's natural resource ministries – Indigenous Relations and Reconciliation; Agriculture and Food; Energy, Mines and Low Carbon Innovation; Environment and Climate Change Strategy (including the Environmental Assessment Office); Forests; and Land, Water and Resource Stewardship. All Natural Resource (NR) ministries report through to the Environment and Land Use Committee.

Each ministry has its own mission and goals, set out in annual Service Plans, and collectively the NR regulates and influences activities on 94% of the province's land and water base, and to some extent the coastal marine environments. NR ministries are responsible for administering over 130 provincial statutes that provide for the sustainable management and protection of the Province's natural resources and reconciliation with First Nations.

The ministries making up the Natural Resource Sector have been structured to streamline government processes for critical natural resource industries to better attract global investment, enabling BC to make integrated resource management decisions on the whole of the land and water base, including coastal marine environments. The natural resource sector generates nearly \$3 billion in direct annual revenue to the Province through mining, oil, gas, electricity, forestry, agriculture, tourism and recreation. The sector's combined annual operating expenses are approximately \$1.3 billion, and its work both directly and indirectly benefits the economic, environmental and social health of our Province.

#### **Environment and Land Use Committee (ELUC)**

ELUC, a legislated committee under the *Environment and Land Use Act*, is mandated to ensure that all aspects of preservation and maintenance of the natural environment are fully considered in the administration of land use and resource development. The Committee is responsible for providing direction to the natural resource ministries that balances economic development and stewardship by setting priorities for the land base, managing land use conflicts and providing strategic advice to Cabinet on policies, programs, operations and legislation that impact the natural resource sector. This advice includes consideration of budgetary implications as well as implementation and communication strategies.

The committee is responsible for reviewing Cabinet submissions, requests for legislation and business plans from the natural resource ministries.

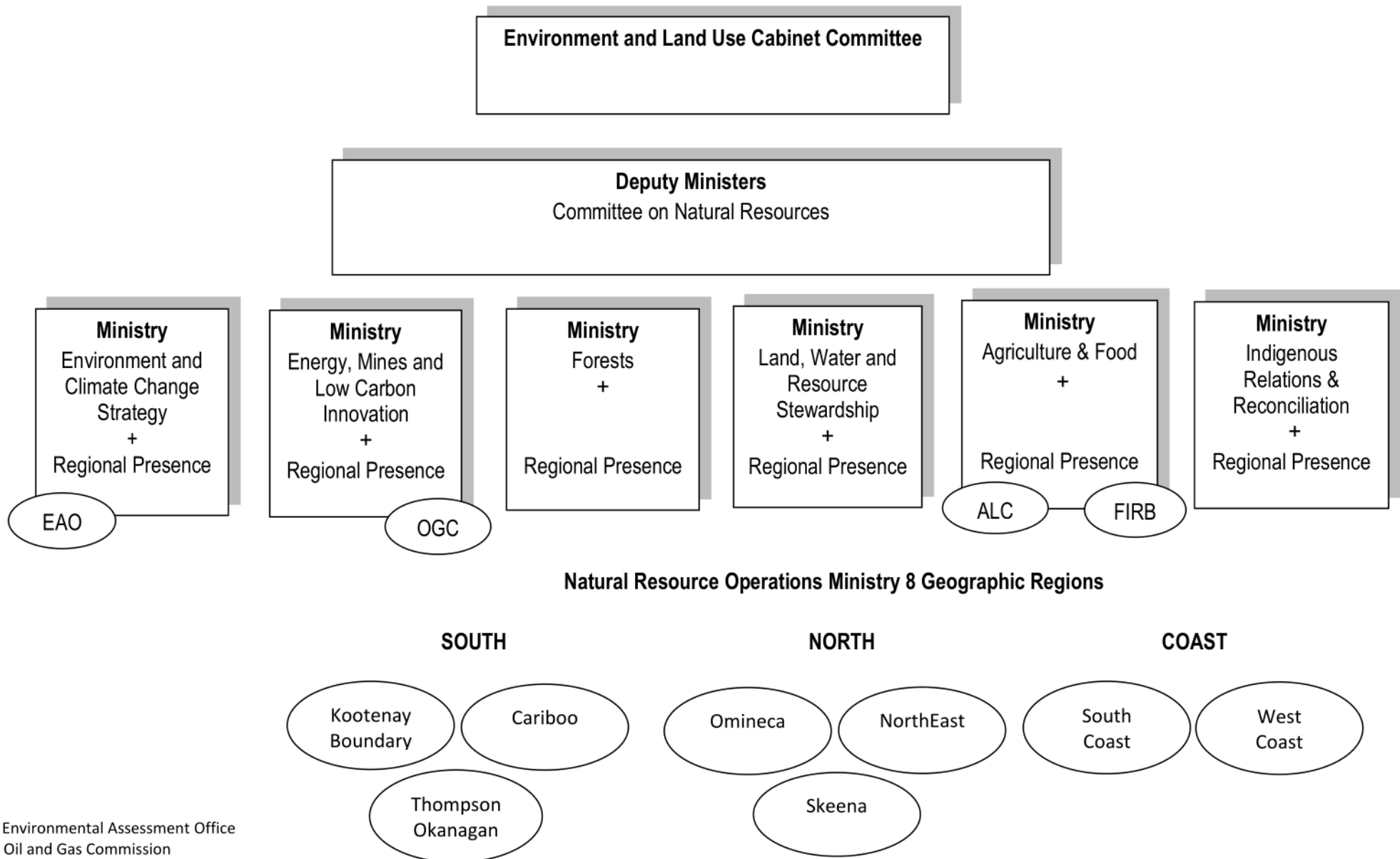
**Membership:** Honourable Josie Osborne (Chair), Honourable Murray Rankin (Vice Chair), Honourable Katrine Conroy, Honourable Rob Fleming, Honourable George Heyman, Honourable Lana Popham, Honourable Bruce Ralston

**Deputy Minister Committee for Natural Resources (DMCNR)**

The Deputy Minister Committee for Natural Resources is responsible for supporting the Environment and Land Use Committee and for providing it with information and recommendations on policy and operational issues in support of its mandate. This support includes ministries working together to apply resources to highest sector priorities as guided by ELUC, such as sharing and/or collaborating on resources to meet critical government objectives, undertake strategic approaches to sustainably enhance the Natural Resource Ministries' permitting regime, reviewing high-level business plans to ensure that natural resource operations priorities are being met, and improving and gaining support for ELUC submissions.

**Membership (as of February 2022):** Lori Halls (Chair), Rick Manwaring (Vice Chair), Fazil Mihar (EMLI), Kevin Jardine (ENV), Eamon O'Donoghue (FLNR), Doug Caul (MIRR), Peter Pokorny (AGRI), Bobbi Plecas (JERI), Elenore Arend (EAO), Kaye Krishna (TRAN), Tara Richards (EMBC), Eric Kristianson (PREM).

## Organizational Structure to Support Natural Resource Sector Integration



EAO: Environmental Assessment Office  
 OGC: Oil and Gas Commission  
 ALC: Agricultural Land Commission  
 FIRB: Farm Industry Review Board

February 2022



September 2022

## NATURAL RESOURCE MINISTRIES

### Ministry Overviews

#### Ministry of Agriculture and Food

The Ministry of Agriculture and Food is responsible for the production, marketing, processing and merchandising of agriculture and seafood products; the institution and carrying out of advisory, research, promotional, sustainability and adaptation, food safety and plant and animal health programs, projects and undertakings relating to agriculture and seafood; and the collection of information and preparation and dissemination of statistics relating to agriculture and seafood. Agriculture is a key contributor to economic development and diversification across the Province and is a main contributor to rural economic development and province-wide job creation, particularly for small businesses. The agriculture, seafood and food and beverage sector creates economic and social benefits for Indigenous groups and other underrepresented groups has the potential to attract provincial investment and contributes to workforce development and skills training.

**Ministry of Environment and Climate Change Strategy** administers the province's parks and protected areas and recreation sites and trails; monitors and enforces compliance with environmental laws and regulations; and manages discharges to the environment from human activities; and contributes to protecting biodiversity, ecosystems, native species and natural habitats in parks and protected areas. The ministry also plays a critical role in mitigating and managing the risks and consequences from climate change. This includes developing plans to meet carbon pollution reduction targets and responding to the impacts of climate change. The Environmental Assessment Office, reporting to the Minister, is a neutral regulatory agency responsible for the environmental assessment of major project proposals. The ministry delivers all of its services directly through staff based in regional offices across the province, as well as through partnerships and agreements with stakeholder groups, local governments, Indigenous peoples and the federal government.

The Ministry strives to ensure that all British Columbians will continue to benefit from the effective and prudent management of the environment, allowing future generations to enjoy a safe and healthy environment.

**Environmental Assessment Office**, which falls also under the responsibility of the Minister of Environment and Climate Change Strategy, is a statutory agency that neutrally administers the review of major projects to assess their potential environmental, economic, health, heritage, and social impacts required by the *Environmental Assessment Act*. The assessment process is also needed to ensure that the issues and concerns of the public, First Nations, interested

stakeholders and government agencies are considered and that compliance and enforcement activities are conducted over the life of the project.

### **Ministry of Energy, Mines and Low Carbon Innovation**

The Ministry of Energy, Mines and Low Carbon Innovation is responsible for British Columbia's electricity, alternative energy, oil, natural gas and related infrastructure, and the Province's mining and mineral exploration sectors. These sectors are made up of diverse interests that explore for and produce oil, natural gas, coal and other valuable minerals and that develop energy and electricity generation, transmission and distribution infrastructure. To support Government's climate objectives, the Ministry focuses on advancing energy efficiency and clean or renewable energy sources and technologies, making sure that the energy we use, and the products we develop and export, are the cleanest possible. Through teamwork and positive working relationships with its clients and stakeholders, the Ministry facilitates thriving, safe, environmentally responsible and competitive natural gas, oil, energy and mining sectors in order to create good jobs and economic growth in communities across the Province. In fulfilling its mandate, the Ministry consults with other ministries and levels of government, private sector stakeholders, Indigenous people, communities, environmental and industry organizations, and the public.

### **Ministry of Forests**

The Ministry of Forests manages BC's forests for a full suite of values and is leading the transformation of the forest sector. The Ministry is responsible for integrated authorizations and permitting work of the sector, including archeology, forestry, range, water, land, fish and wildlife authorization. These decisions support a sustainable and prosperous economy, while also balancing the preservation, stewardship and safe use of provincial resources. The Ministry is responsible for BC Wildfire Services, flood and dike management and the River Forecast Centre. The Ministry's activities significantly contribute to the economic, environmental and social health of our province and reflect the diverse values and interests of all British Columbians.

### **Ministry of Indigenous Relations and Reconciliation**

The Ministry of Indigenous Relations and Reconciliation guides and calibrates the Province of British Columbia's efforts to achieve true and lasting reconciliation with Indigenous peoples. The Ministry furthers reconciliation with Indigenous peoples in B.C. by collaboratively developing related legislation, policy and practices, and negotiating and implementing agreements, partnerships, and treaties. Strengthening relationships with Indigenous communities and leveraging Indigenous knowledge and perspectives improves social and economic outcomes for all British Columbians.

### **Ministry of Land, Water and Resource Stewardship**

The Ministry of Land, Water and Resource Stewardship is responsible for developing a new vision for land and resource management with First Nations that will embrace shared decision-making on the land base. This will guide the evolution of an effective development of land and marine use policy and planning, biodiversity and ecosystem health, including species at risk policy and program management. Providing provincial leadership on water policies and strategies, including the government's source-to-tap strategy to protect drinking water, coastal

marine and watershed security strategies, and fisheries and wild salmon strategies are key responsibilities that underpin and connect the province's natural resources. Further to the base responsibilities, this ministry brings together multi-disciplinary teams from across the sector, to creating cross-sector solutions on cumulative effects and for permitting/statutory decision-making in the natural resource sector.



## **Environment and Land Use Committee**

### **Overview**

The Committee is mandated by the *Environment and Land Use Act* to establish and recommend programs to foster increased public concern and awareness of the environment. It also considers the preservation and maintenance of the natural environment in the administration of land use and resource development and can make recommendations to the Lieutenant Governor in Council on matters relating to the environment and the development and use of land and other natural resources.

The Committee may study any matter related to the environment or land use, prepare reports, and, if advisable, make recommendations to the Lieutenant Governor in Council. It has the power to hold a public inquiry, appoint technical committees and make regulations. The majority of members of the Environment and Land Use Committee must be members of the Executive Council.

### **Origins**

The Environment and Land Use Committee was established in 1971.

In 1973 the New Democratic government created an ELUC Secretariat to provide recommendations and solutions to ELUC by coordinating and analyzing interdepartmental studies. It was the first time in B.C.'s political history that a permanent staff served a committee of Cabinet.

The ELUC Secretariat was organized into three units that operated interdependently to improve and apply integrated resource planning within the regional districts of the province. The units were Resource Planning, Special Projects, and Resource Analysis. After 1976, the Secretariat functioned in a diminished role within the Ministry of the Environment. The Secretariat was disestablished in 1980.

<https://www.memorybc.ca/british-columbia-environment-and-land-use-committee-secretariat>



BRITISH  
COLUMBIA



# ENVIRONMENT AND LAND USE COMMITTEE OVERVIEW

February 2022



## Environment and Land Use Committee

- Established under the *Environment and Land Use Act*
- Ensures all aspects of the preservation and maintenance of the natural environment are fully considered in the administration of land use and resource development.
- Makes recommendations to the Lieutenant Governor in Council on matters relating to the environment and the development and use of land and other natural resources.

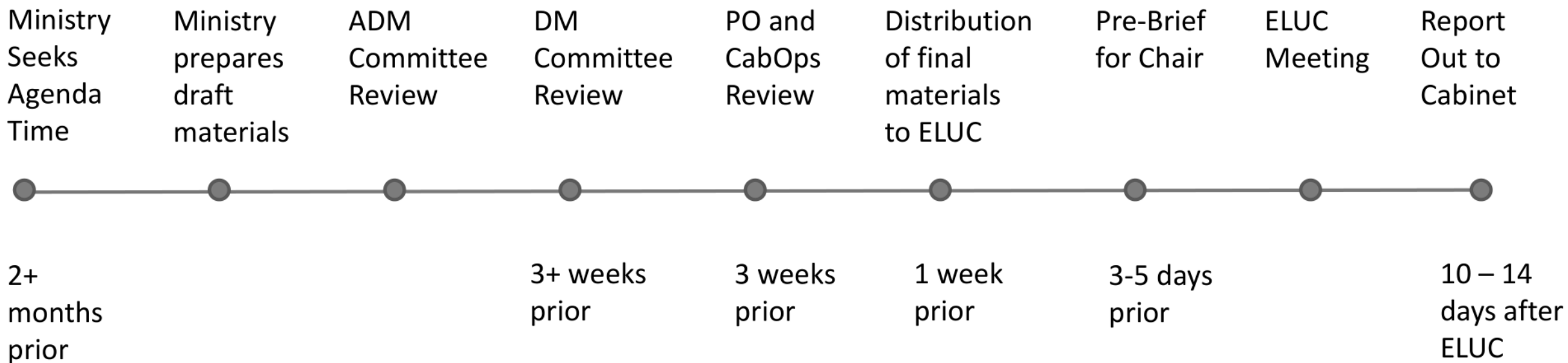


## Procedures and Powers

- Quorum is three members
- Committee may determine its meeting procedures
- Decisions are usually by consensus
- All deliberations and materials are confidential
- Recommendations are reported to Cabinet by the Chair
- Power to make regulations, subject to Cabinet approval
- Power to conduct inquiries and hold public hearings (used in 1970s)



## General Path of Agenda Items





## Committee Secretary Duties

In cooperation with the Chair of Deputy Ministers' Committee on Natural Resources and the Deputy Minister to LNRO:

- Draft meeting agendas and obtain approvals from Premier's Office
- Coordinate logistical support for ELUC meetings
- Review meeting materials and manage distribution
- Brief ELUC Chair in concert with Deputy Minister(s)
- Prepare meeting minutes and speaking notes for the Chair

MAJOR CORPORATE ISSUE NOTE  
**Strengthening the Environmental Land Use Committee**

Ministry/Ministries: Land, Water and Resource Stewardship; Forests; Environment and Climate Change Strategy; Agriculture and Food; Energy, Mines and Low Carbon Innovation; Indigenous Relations and Reconciliation; Transportation and Infrastructure.

Issue:  
Advice/Recommendations

**Background:**

ELUC was established in 1971 (see Appendix A for history). ELUC is mandated by the *Environment and Land Use Act* (ELUA) to establish and recommend programs to foster increased public concern and awareness of the environment. It has a duty in the context of government decision making which is: to consider the preservation and maintenance of the natural environment in the administration of land use and resource development that are equivalent to the maximum beneficial land use. This duty is set within the context of an outcome which is to: minimize and prevent waste of the resources and minimize and prevent destruction of the environment from the land use or resource development under consideration.

From that duty ELUC can make recommendations to the Lieutenant Governor in Council on matters relating to the environment and the development and use of land and other natural resources. ELUC itself is not a final decision maker. Further substantial powers that are not often exercised include:

- Study any matter related to the environment or land use, prepare reports, and, if advisable, make recommendations to the Lieutenant Governor in Council from the findings of the reports.
- The power to hold a public inquiry, appoint technical committees and make recommendations to the LGiC on orders/regulations.
- Power to create programs that foster increased public concern and awareness of the environment.

The majority of members of ELUC must be members of the Executive Council but can include others, past structures have included MLAs. ELUC does not have a terms of reference but does have statutory authority to make procedures to guide its activity, should the Premier want them to exercise that ability. ELUC membership composition from 2011 to the 2017 change in government, consisted of 6-8 Ministers and 5 MLAs. Then from the 2017 change of government to the most recent election, ELUC consisted of 6 Ministers, and since the 2020 election, ELUC consists of 7 Ministers by adding Minister of State, Lands and Natural Resource Operations, then replaced by Minister of Land, Water and Resource Stewardship.

## Current Membership Composition:

| Ministry                                    | Member/Ministry                                      |
|---|--|
| Land Water and Resource Stewardship (Chair) | Indigenous Relations and Reconciliation (Vice Chair) |
| Environment and Climate Change Strategy     | Forests  |
| Energy, Mines and Low Carbon Innovation     | Agriculture and Food                                 |
| Transportation and Infrastructure           |  |

Advice/Recommendations; Cabinet Confidences

## Issue/Opportunity:

Advice/Recommendations; Cabinet Confidences



Page 019 of 475

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Advice/Recommendations ; Cabinet Confidences

Page 020 of 475

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Advice/Recommendations ; Cabinet Confidences

**Appendix A - History of Environment and Land Use Committee**

- Environment and Land Use Committee (ELUC) was established by the Social Credit government in 1971 under the Environment and Land Use Act (SBC 1971, c. 17).
- ELUC Secretariat was established in 1973 by the NDP government as the staff support unit of the Environment and Land Use Committee. There were 95 Resource Manager positions.
- The mandate of the committee was to:
  - establish and recommend programs to increase public awareness of the environment,
  - to ensure that environmental concerns were fully considered in the administration of land and resource development, and
  - to make recommendations and reports to the Executive Council.
- It was empowered to conduct public inquiries, appoint technical committees, and hire experts, specialists and researchers.
- The Secretariat was established after the New Democratic government was elected in 1972 to provide recommendations and solutions to the committee by coordinating and analyzing interdepartmental studies.
- It was the first time in B.C.s political history that a permanent staff served a committee of cabinet. The Secretariat was organized into three units that operated interdependently to improve and apply integrated resource planning within the regional districts of the province. The units were Resource Planning, Special Projects, and Resource Analysis.
- Under a new Social Credit government in 1975, the Secretariat functioned in a diminished role within the Dept. of the Environment and the renamed Ministry of the Environment in 1976. It was reorganized into two units, Resource Planning and Special Projects.
- The Environment and Land Use Committee continued as an Executive Council committee, but the Secretariat was disestablished in 1980.

## MINISTRY PROFILE

## Ministry:

The Ministry of Land, Water and Resource Stewardship (LWRS) is accountable for integrated land and natural resource management, including objective setting for land and marine environments, effectively managing cumulative effects, and advancing reconciliation with Indigenous peoples, environmental sustainability, and economic growth. LWRS is focused on lasting and meaningful reconciliation, equity and anti-racism, sustainable economic growth that works for everyone, and a better future through fighting climate change.

## Ministry Mandate:

The Ministry's mandate is to support and enable cross-sector integrated strategic decision-making and provide a pathway to advancing and balancing Indigenous reconciliation, economic activity, and environmental sustainability. The Ministry will direct sector resources to issues that need sustained attention, to the solutioning of sector-wide challenges and to advancing dedicated sector-wide policy. LWRS will advance cross-sector solutioning for cumulative effects management and permitting and authorizations, as well as provide Secretariat support for effective governance in the sector.

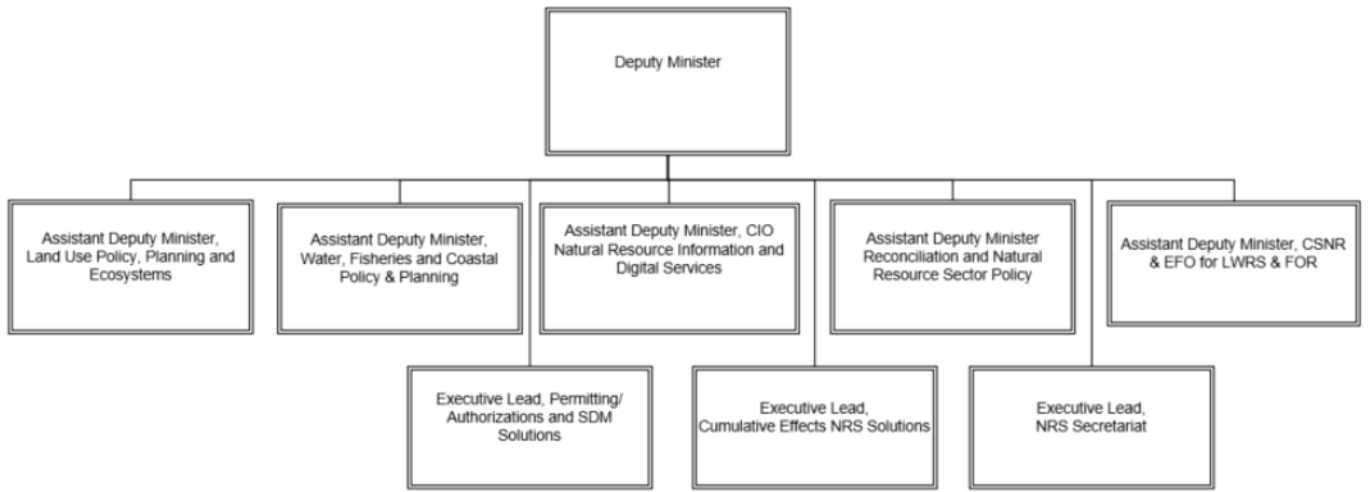
LWRS works to develop a path forward with First Nations to build a co-managed land and resource management regime that will ensure our natural resources are managed effectively now and in the future. Additionally, the Ministry holds a commitment to modernized land use policy and planning and bringing more certainty to investors, communities, and First Nations by confirming social choice on the land base through inclusive processes. As part of this commitment, the ministry will ensure modernized land use plans are adaptive to a changing climate and aligned with regional economic strategies.

LWRS will provide Provincial leadership on water policy and strategies including the coordination of government's "source to tap" strategy to protect drinking water, Coastal Marine Strategy, Watershed Security Strategy and Fund, and Wild Salmon Strategy. The Ministry will consolidate the Province's efforts in Fisheries and take primary responsibility for the relationship with Fisheries and Oceans Canada. Furthermore, LWRS will lead biodiversity and ecosystem health initiatives, including provincial species at risk policy and program management. In this way, the Ministry will connect the systems, tools and people to increase the Province's capacity to manage for cumulative effects, support timely, evidence-informed policy and decisions through integrated, science-based land, aquatic, resource, and geographic data.

## Full Time Equivalents (FTEs):

| <b>Division</b>  | <b>FTEs</b>  |
|--|--------------|
| Corporate Services for the Natural Resource Ministries | 346          |
| Cross Sector Solutions                                 | 34           |
| Deputy Minister's Office                               | 10           |
| Land Use Policy, Planning and Ecosystems               | 283          |
| Natural Resource Information and Digital Services      | 439          |
| Natural Resource Sector Secretariat                    | 21           |
| Reconciliation and Natural Resource Sector Policy      | 18           |
| Water Fisheries and Coastal Policy and Planning        | 88           |
| <b>Total</b>   | <b>1,239</b> |

Executive Organizational Chart:



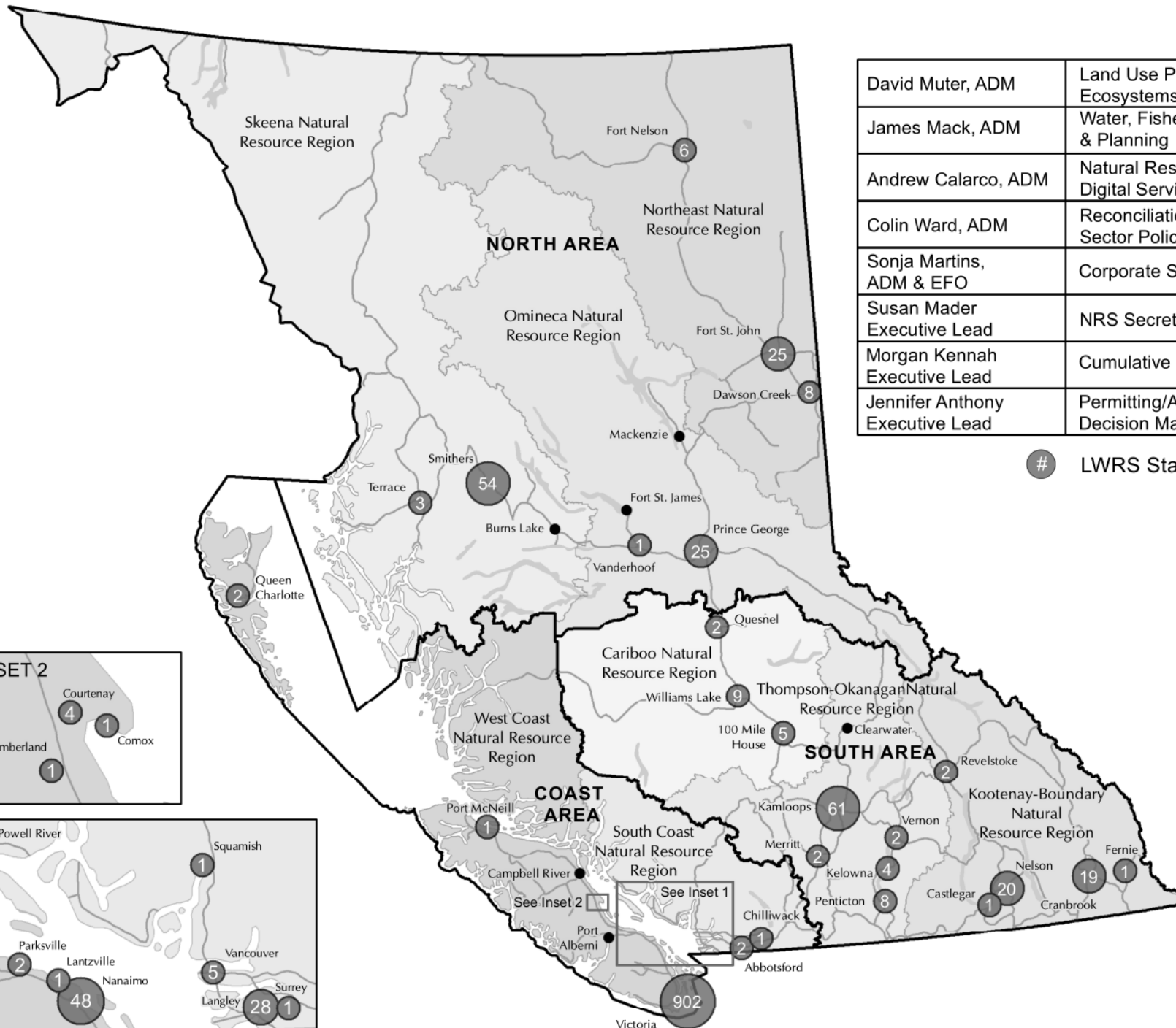
Budget:

| Core Business Area   | 2021/22<br>Restated<br>Estimates <sup>1</sup> | 2022/23<br>Estimates | 2023/24<br>Plan | 2024/25<br>Plan |
|--|---|----------------------|-----------------|-----------------|
| <b>Operating Expenses (\$000)</b>  |   |                      |                 |                 |
| Land Use Policy, Planning and Ecosystems                                 | 42,031  | 43,063               | 43,717          | 43,717          |
| Water, Fisheries and Coastal Policy and Planning                         | 5,998   | 6,831                | 7,415           | 7,415           |
| Natural Resource Information and Digital Services                        | 21,828  | 18,785               | 21,985          | 21,985          |
| Reconciliation and Natural Resource Sector Policy                        | 497   | 1,835                | 2,776           | 2,776           |
| Natural Resource Sector Secretariat                                      | 3,836   | 6,088                | 6,389           | 6,389           |
| Executive and Support Services   | 7,818   | 15,406               | 16,786          | 16,786          |
| <b>Total</b>   | <b>82,008</b>                                 | <b>92,008</b>        | <b>99,068</b>   | <b>99,068</b>   |
| <b>Ministry Capital Expenditures (Consolidated Revenue Fund) (\$000)</b> |   |                      |                 |                 |
| Executive and Support Services   | 0   | 245                  | 0               | 0               |
| <b>Total</b>   | <b>0</b>                                      | <b>245</b>           | <b>0</b>        | <b>0</b>        |
| <b>Other Financing Transactions (\$000)</b>                              |   |                      |                 |                 |
| <b>Total Receipts</b>  | <b>0</b>                                      | <b>0</b>             | <b>0</b>        | <b>0</b>        |
| <b>Total Disbursements</b>   | <b>0</b>                                      | <b>0</b>             | <b>0</b>        | <b>0</b>        |
| <b>Total Net Cash Requirements (Source)</b>                              | <b>0</b>                                      | <b>0</b>             | <b>0</b>        | <b>0</b>        |

<sup>1</sup> For comparative purposes, amounts shown for 2021/22 have been restated to be consistent with the presentation of the 2022/23 Estimates.

# Ministry of Land, Water and Resource Stewardship

## April 2022



|                                 |   |
|---------------------------------|---|
| David Muter, ADM                | Land Use Policy, Planning, and Ecosystems                       |
| James Mack, ADM                 | Water, Fisheries and Coastal Policy & Planning                  |
| Andrew Calarco, ADM             | Natural Resource Information & Digital Services                 |
| Colin Ward, ADM                 | Reconciliation & Natural Resource Sector Policy                 |
| Sonja Martins, ADM & EFO        | Corporate Services for LWRS & FOR                               |
| Susan Mader Executive Lead      | NRS Secretariat   |
| Morgan Kennah Executive Lead    | Cumulative Effects, NRS Solutions                               |
| Jennifer Anthony Executive Lead | Permitting/Authorizations & Statutory Decision Making Solutions |

# LWRS Staff Location

DRAFT

0 50 100 200 300  
Kilometres

## EXECUTIVE MEMBER BIOGRAPHY



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

Lori was appointed Deputy Minister for the Ministry of Land, Water and Resource Stewardship on February 25, 2022. Following an organizational effectiveness review which she lead and assisted government to determine whether land use objectives that support economic activity, environmental sustainability and reconciliation with Indigenous peoples can be more effectively achieved through ministry restructuring.

As Deputy Minister of Emergency Management BC she co-chaired the Deputy Ministers' Committee on COVID-19 helping to facilitate an all of government approach to the response and recovery during the longest Provincial State of Emergency. She was also Deputy Minister of the BC Public Service Agency where she championed corporate succession management efforts, implemented changes to compensation and benefits and implemented effective changes to ethics management in the Public Service.

She has been with the BC Public Service for over 30 years. Her career began in government as a coop student in Victoria in 1993 and held many progressively responsible positions within the Ministry of Health. Lori has also held several roles at the Assistant Deputy Minister level with both the Ministry of Environment and the BC Public Service Agency.

Lori has a Bachelor of Arts in Political Science and History and a Master of Public Administration from the University of Victoria.



## Land Use Policy, Planning and Ecosystems

ADM Responsible: David Muter

Core Business/ Program Area Description/Critical Business Processes:

The Land Use Policy, Planning and Ecosystems Division (LUPPE) is responsible for leading BC's land management strategies to ensure that land use decisions support the province's goals for reconciliation with Indigenous Nations, environmental sustainability and economic growth. This includes leading regional land use and reconciliation forums including:

- Advancing land use objectives and habitat management strategies that guide tactical and operational activities
- Monitoring and reporting on ecosystem conditions and cumulative effects in partnership with First Nations
- Leading species at risk recovery

LUPPE is responsible for delivering the following programs:

- Modernized Land Use Planning delivered in partnership with Indigenous Nations
- Collaborative Indigenous Stewardship Forums
- Together for Wildlife Strategy
- Cumulative Effects monitoring reporting and recommendations
- Species at Risk Recovery and the Provincial Caribou Recovery Program
- Advancing Ecosystem Health as an overarching priority for the Natural Resource sector (Recommendation #2 from the Old Growth Strategic Review)
- Chairing Regional Management Committees

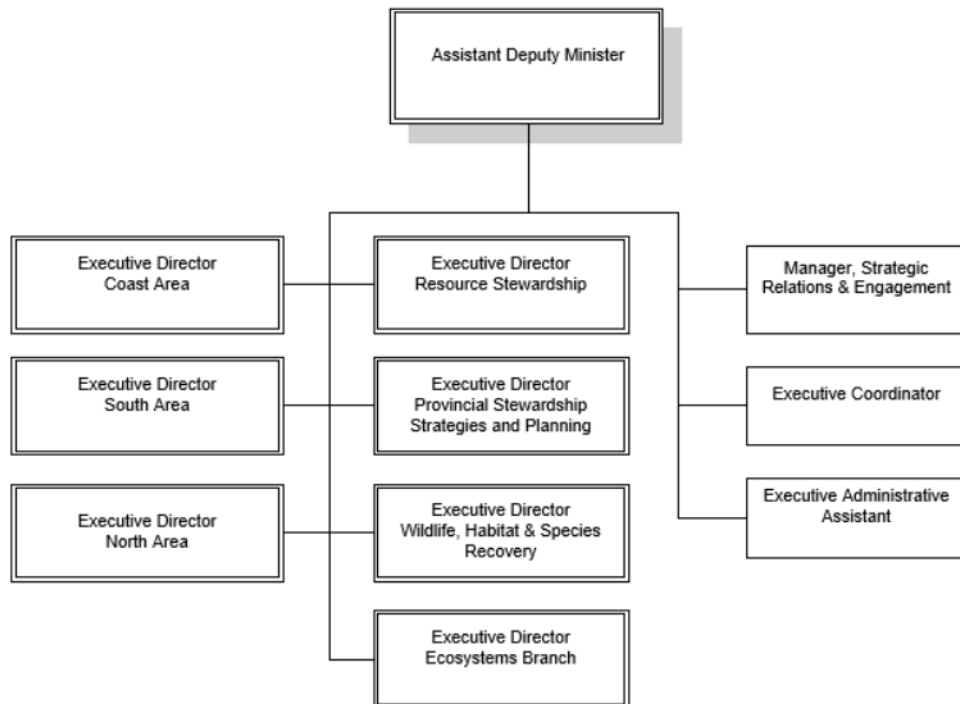
Budget: \$43.063M.

Full Time Equivalents (FTEs): 283 (headcount as of October 1, 2022)

Related Legislation: This division is responsible for the following Acts (and portions of Acts):

- Flathead Watershed Area Conservation Act
- Forest and Range Practices Act (Sections: 141, 143, 149 – 150.5)
- Land Act (Part 7.1)
- Muskwa-Kechika Management Area Act
- Skagit Environmental Enhancement Act
- Wildlife Act (Sections: 6, 108(2)(a))

**Organizational Chart:**



## EXECUTIVE MEMBER BIOGRAPHY



Dave Muter  
Assistant Deputy Minister  
Land Use Policy, Planning and Ecosystems  
Ministry of Land, Water and Resource Stewardship

David has over 10 years of experience working in the public service, serving in senior leadership roles in both a Crown corporation and in multiple different ministries. In 2020, David became the Assistant Deputy Minister with the Resource Stewardship Division with the former Ministry of Forests, Lands, Natural Resource Operations and Rural Development. On April 1, 2022, David took on the role of Assistant Deputy Minister with the Land Use Policy, Planning and Ecosystems Division. Prior to joining the BC Public Service, David spent over 10 years working in the forest industry. His work with industry took him clear across Canada from the Gaspé Peninsula to Vancouver Island.

### Personal Information

## Water, Fisheries and Coastal Policy and Planning

ADM Responsible: James Mack

### Core Business/ Program Area Description/Critical Business Processes:

The Water, Fisheries and Coastal Policy & Planning Division is responsible for provincial leadership on water. This includes providing provincial oversight and coordination of government's strategy on source to tap protection and management, including drinking water. The division sets provincial water policy, sets water quality and sustainability related objectives, and is responsible for aquatic habitat management.

The division sets fisheries and aquaculture policy, and supports wild fish populations and coastal resources and communities through integrated marine planning and management.

The division is also responsible for the following programs:

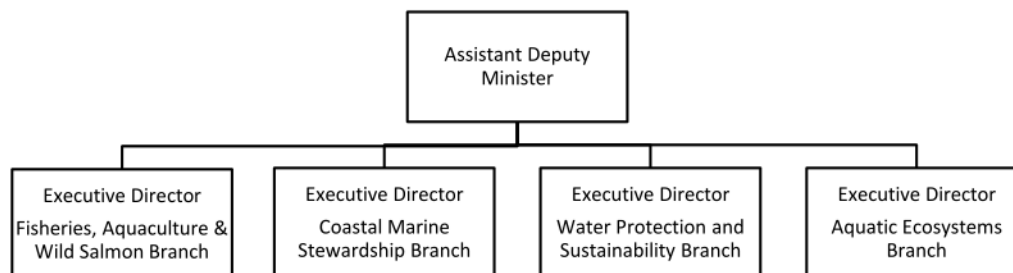
- Watershed Security Strategy and Fund
- Coastal Marine Strategy
- Wild Salmon Strategy
- BC Salmon and Restoration Fund

Budget: \$6.831M

Full Time Equivalents (FTEs): 88 (headcount as of October 1, 2022)

Related Legislation: This division is responsible for the following Sections of the Water Sustainability Act: Sections 43; 64 – 85; 115 (1) (a) and (h), (2) and (3); 132

### Organizational Chart:



## EXECUTIVE MEMBER BIOGRAPHY



James Mack  
Assistant Deputy Minister  
Water, Fisheries, and Coastal Policy & Planning  
Ministry of Land, Water and Resource Stewardship

James Mack is the Assistant Deputy Minister of Water, Fisheries, and Coastal Policy and Planning Division with the Ministry of Land, Water and Resource Stewardship. The Division brings together program areas responsible for the Watershed Security Strategy, a Wild Salmon Strategy, and a Coastal Marine Strategy, as well as sets water sustainability objectives and supports enhancement of wild fish populations and coastal resources and communities. The division is responsible for provincial leadership on water and coordinating government's strategy on source to tap, including drinking water.

Since joining the provincial government in 2008, James has held various positions including as the Head of BC's Climate Secretariat, Assistant Deputy Minister Agriculture Science and Policy, and most recently as Assistant Deputy Minister Environmental Sustainability Division in the BC Ministry of Environment and Climate Change Strategy.

Prior to joining the provincial government, James worked over ten years for the Government of Canada in a variety of organizations including the Canadian Environmental Assessment Agency, the Privy Council Office, and the Northern Affairs Office of Indian and Northern Affairs Canada.

### Personal Information

## Reconciliation and Natural Resource Sector Policy Division

ADM Responsible: Colin Ward

### Core Business / Program Area Description / Critical Business Processes:

The Reconciliation and Natural Resource Sector Policy Division provides leadership in developing a “roadmap” for the natural resource sector to support the effective operationalization and implementation of the *Declaration on the Rights of Indigenous Peoples Act*, including working with the Declaration Act Secretariat on the alignment of natural resource sector laws and development of sector-specific tools and supports to advance reconciliation more effectively (e.g., policy, legislation, processes, etc.). This will include co-developing a foundation for co-management and shared decision making with Indigenous governments.

Some of the primary objectives of the Reconciliation and Natural Resource Sector Policy Division includes:

- Strategic land and resource reconciliation policy / frameworks including:
  - Governance/co-management of lands and resources
  - Engagement
- Cross-sector policy development
- Legislation co-ordination across sector / alignment of NRS laws
- Co-ordinating today’s efforts and building future legislative and policy frameworks for cumulative effects, shared decision making and climate change

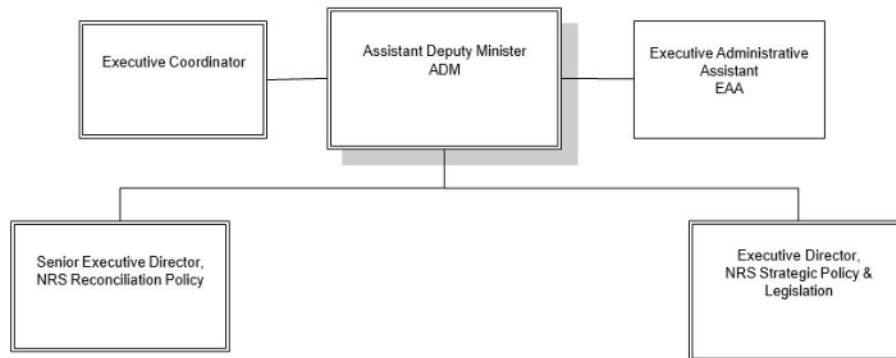
The division is comprised of the Office of the Assistant Deputy Minister, the Reconciliation Policy Branch, and the Strategic Policy and Legislation Branch.

Budget: \$1.835M.

Full Time Equivalent (FTEs): 18 (headcount as of October 1, 2022)

Related Legislation: Although the division does not have direct responsibility for any piece of legislation, one of the primary objectives of the division is the alignment of NRS laws and consequently will work very closely with all divisions across the sector with responsibility for different NRS laws to achieve that objective.

## Organizational Chart:



## EXECUTIVE MEMBER BIO



Colin Ward  
Assistant Deputy Minister  
Reconciliation and Natural Resource Sector Policy  
Ministry of Land Water and Resource Stewardship

Colin joined the BC Public Service in 2016, working as an Executive Director in Treasury Board Staff at the Ministry of Finance and in the Ministry of Indigenous Relations and Reconciliation as the Executive Director of the Integrated Negotiations Branch. He was a key part of the development of a number of significant policy initiatives, including the CleanBC Roadmap to 2030 and government's Climate Preparedness and Adaptation Strategy through his work with Treasury Board Staff, and in the development of new First Nation negotiation policy frameworks. A policy wonk at heart, Colin has a passion for the work of reconciliation and is grateful for the many opportunities he has had to work in support of reconciliation for many years. Prior to joining the BC Public Service, Colin worked for Tsawwassen First Nation (TFN) for eight years, helping establish its legislative and governance frameworks prior to its Treaty Effective Date before continuing to work for TFN on policy and program development and implementation across a range of topic areas.

Colin has a Bachelor's of History (Hons.) from Queen's University in Kingston and a Master of Public Policy from Simon Fraser University.

### Personal Information



## Corporate Services for the Natural Resource Ministries

ADM Responsible: Sonja Martins (FOR and LWRS) and Ranbir Parmar (AF, EMLI, ENV and MIRR)

Core Business/ Program Area Description/Critical Business Processes:

Corporate Services for the Natural Resource Ministries (CSNR) provides services for approximately 7,000 employees in the natural resource ministries in over 100 locations throughout the province. CSNR serve the following ministries:

- Agriculture and Food (AF)
- Energy, Mines and Low Carbon Innovation (EMLI)
- Environment and Climate Change Strategy (ENV)
- Forests (FOR)
- Indigenous Relations and Reconciliation (MIRR)
- Land, Water and Resource Stewardship (LWRS)

CSNR Services:

### Facilities, Fleet & Corporate Security

- Facilities – Workspace accommodation, project and issue management for all six natural resource ministries
- Fleet and Assets – Planning, analysis, reporting, maintenance and procurement for AF, ENV, FOR and LWRS
- Risk and Corporate Security – Planning, response and recovery assistance for business disruptions and physical security issues for all six natural resource ministries

### Financial Services

- Budgeting, forecasting and financial analysis/reporting and support; expenditure, revenue management and recovery processing and reporting
- Financial planning and reporting
- Financial operations
- Accounting
- Financial systems and data entry
- Financial policy, compliance and procurement

### Strategic Human Resources

- Leadership Development
- Health & Well-being
- Change Leadership
- Workforce Planning
- Diversity & Inclusion
- Employee Engagement
- Recruitment Strategy
- Workforce Intelligence & Research
- Culture & Engagement

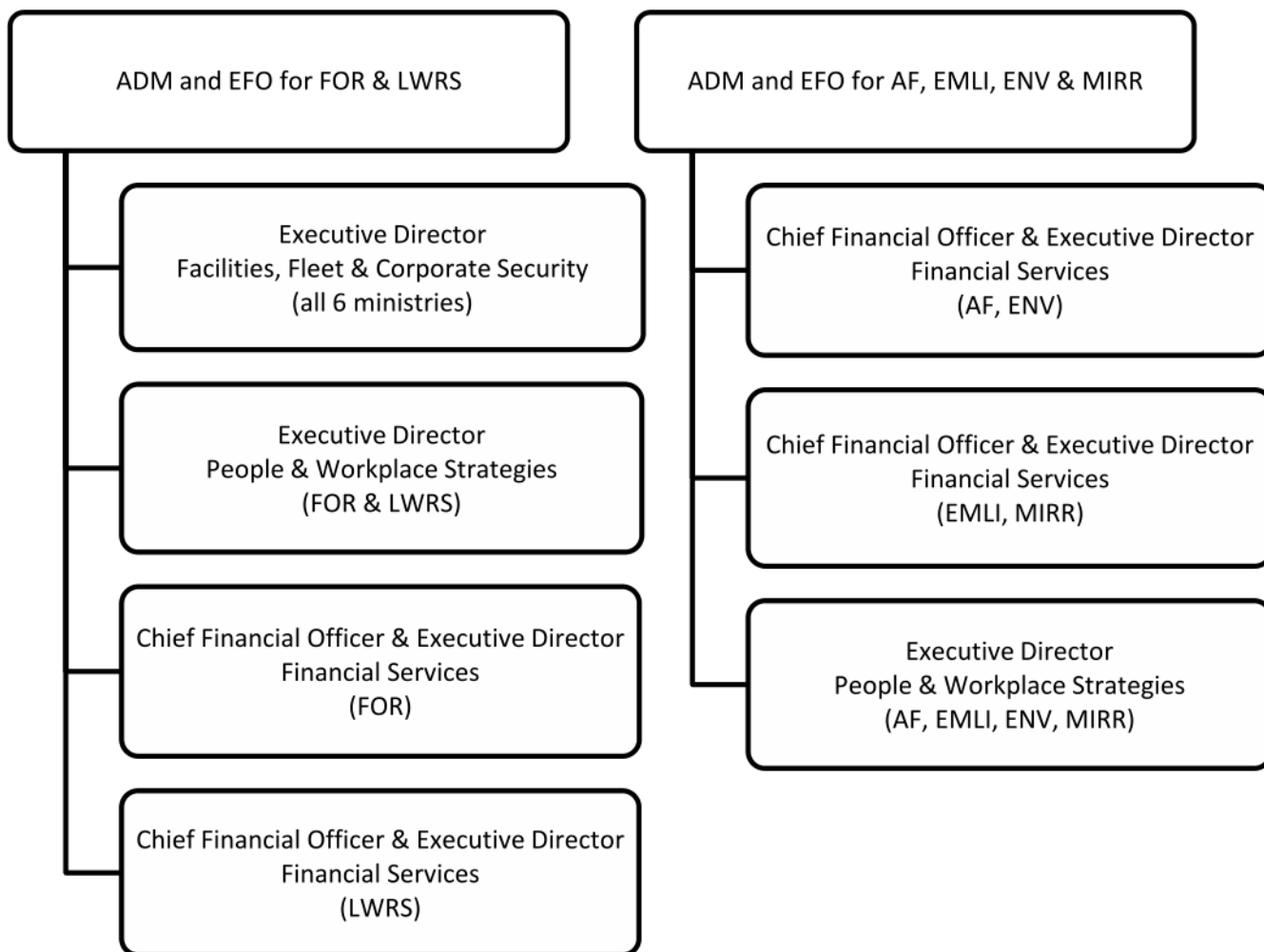
- Learning & Development

Budget: \$4.945M (total expenses \$29.98M minus total recoveries \$25.042M)

Full Time Equivalents (FTEs): ~~34~~36 (headcount as of October 1, 2022)

Related Legislation: N/A

Organizational Chart:



## EXECUTIVE MEMBER BIOGRAPHY



Sonja Martins  
Assistant Deputy Minister and Executive Financial Officer  
Assistant Deputy Minister's Office  
Ministry of Land, Water and Resource Stewardship

Sonja Martins is the Assistant Deputy Minister for Corporate Services for the Natural Resource Ministries (CSNR) serving as Executive Financial Officer for the Ministry of Land, Water and Resource Stewardship and the Ministry of Forests.

Sonja has worked for the BC Public Service for over 28 years and in a variety of ministries and organizations, primarily in corporate services for the natural resource ministries. She has been with CSNR since it was created in 2010 and was appointed ADM and EFO for CSNR as of April 1, 2022. Prior to that she held senior leadership roles in CSNR as Executive Director, People and Workplace Strategies and Executive Director, Client Services.

## EXECUTIVE MEMBER BIOGRAPHY



Ranbir Parmar  
Assistant Deputy Minister and Executive Financial Officer  
Assistant Deputy Minister's Office  
Ministry of Land, Water and Resource Stewardship

Ranbir Parmar is one of the Assistant Deputy Ministers (ADM) for Corporate Services for the Natural Resource Ministries (CSNR) and the Executive Financial Officer (EFO) for the Ministries of Agriculture and Food; Energy, Mines and Low Carbon Innovation; Environment and Climate Change Strategy; and Indigenous Relations and Reconciliation. He is also the lead for the Financial Services Branch and the People and Workplace Strategies Branch supporting those ministries.

Ranbir started his career in the public service in 1994 with the Ministry of Transportation. He has also worked in a variety of roles for the Ministries of Small Business and Revenue, Finance, and Ministry of Forests and Range (MoFR). As the Chief Financial Officer in MoFR his responsibilities included financial planning and reporting, financial operations and systems, and procurement and supply services for the ministry. Ranbir was permanently appointed as the ADM and EFO on April 1, 2022, has a Bachelor of Commerce Degree in Finance from the University of British Columbia, and is a Chartered Professional Accountant, CGA.

## Natural Resource Information and Digital Services

ADM Responsible: Andy Calarco

Core Business/Program Area Description/Critical Business Processes:

Natural Resource Information and Digital Services (NRIDS) is the technology and foundational Information, visualization, and analytics partner to all six Natural Resource Ministries (NRM). NRIDS is accountable for all aspects of Information Management & Information Technology (IMIT) operations, maintenance, and technological direction in support of the NRMs. NRIDS delivers the full range of technology services to support existing NRM business systems as well as the development of new computer applications to deliver on government objectives. This centralized service function also includes providing advice, guidance, and investment recommendations for all aspects of IMIT critical to the operations of the NRMs.

In addition to providing the foundational IMIT supports, NRIDS also provides services and tools that allow the B.C. government, partner agencies, and citizens to create, access, and use provincial geographic information for effective delivery of government programs and initiatives including emergency response and management services, natural resource stewardship and conservation efforts, economic development activities, and First Nations negotiation. NRIDS manages authoritative species and ecosystems information, critical conservation data and inventories, and provides critical stewardship, conservation and resource management supports.

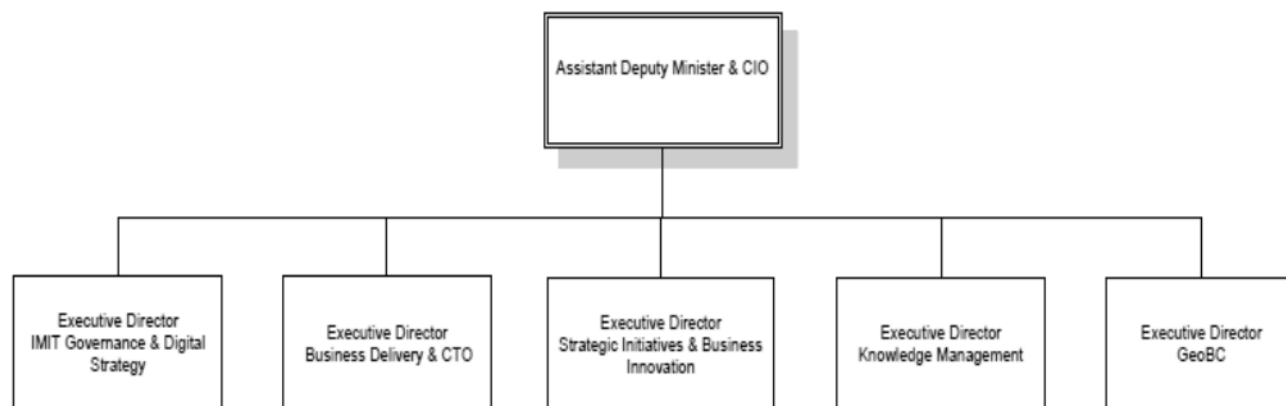
NRIDS also delivers key supports for critical infrastructure which includes the management and operations of all technology requirements in fire camps during wildfire season, as well as maintenance and operations of the provincial radio tower network and handheld devices – all of which are essential to any emergency response activity and all field operations for the NRM.

Budget: \$18.785M

Full Time Equivalents (FTEs): 439 (headcount as of October 1, 2022)

Related Legislation:     Land Act Part 1 – Section 6  
                                     Land Act Part 1.1 – Section 7.2

Organization Chart:



## EXECUTIVE MEMBER BIOGRAPHY



Andy Calarco

Assistant Deputy Minister & CIO

Natural Resource Information and Digital Services Division (NRIDS)

Ministry of Land, Water and Resource Stewardship

Andy joined the Province of British Columbia in 2008 and has spent the last fourteen years working in various capacities across the Natural Resource Ministries (NRM).

He initially joined government to lead the modernization of the provincial aerial imagery program within the Integrated Land Management Bureau. Later, he served as Director of GeoBC, Executive Director of the Integrated Resource Operations Division of the Ministry of Forests, Lands and Natural Resource Operations and Rural Development, and an Executive Director in the Information, Innovation, and Technology Division. Now, as Assistant Deputy Minister and Chief Information Officer of NRIDS, he looks forward to continuing working to drive the modernization and transformation of NRM business practices.

Andy holds a Master of Science degree from the University of Western Ontario, where his research focused upon glacial hydrology, statistical modeling, and geospatial analysis. Prior to joining the BC Public Service, Andy spent eight years living and working internationally as a product manager in the geomatics industry. During that time, he delivered consulting services and directed the development of software solutions for private companies and governments around the world.

## Natural Resource Sector Secretariat

ADM Responsible: Susan Mader, Executive Lead

Core Business/ Program Area Description/Critical Business Processes:

The NRS Secretariat works across B.C.'s six natural resource ministries [AGRI, ENV, EMLI, FOR, LWRS, MIRR] to improve sector-wide governance, reporting, economic analysis and communications to support greater collaboration and integration as a natural resource sector.

NRS Secretariat Services:

**Reporting, Economic Analysis and Insights:** Advances the adoption of a consistent, integrative approach to socio-economic analysis; enhances integrated information on public investments in the land base; and facilitates a collaborative sector approach to research relevant to the natural resource sector. The branch also identifies opportunities for enhanced reporting including through collaborating on existing reports and developing new sector-focused reporting models.

**Communications and Change Management:** Leads the development, implementation and evaluation of sector-wide organizational effectiveness strategies including communication and engagement strategies. Creates staff engagement opportunities and fosters interconnection within LWRS and across the sector. Reinforces the vision of the natural resource sector and identifies opportunities to promote and highlight collaboration. Fosters an organization that embraces diversity and inclusion and promotes learning opportunities focused on reconciliation with Indigenous Peoples.

**NRS Governance Secretariat:** Coordinates, manages and aligns governance structures and processes to better support sector-wide decision making and overall sector effectiveness. Provides secretariat support to ADM / DMCNR, Deputy Ministers' Working Group on Organizational Effectiveness (DMWGOE) and Natural Resource Sector Solutions Project Board. Provides expertise in corporate planning and performance, intergovernmental relations, organizational effectiveness, and change management.

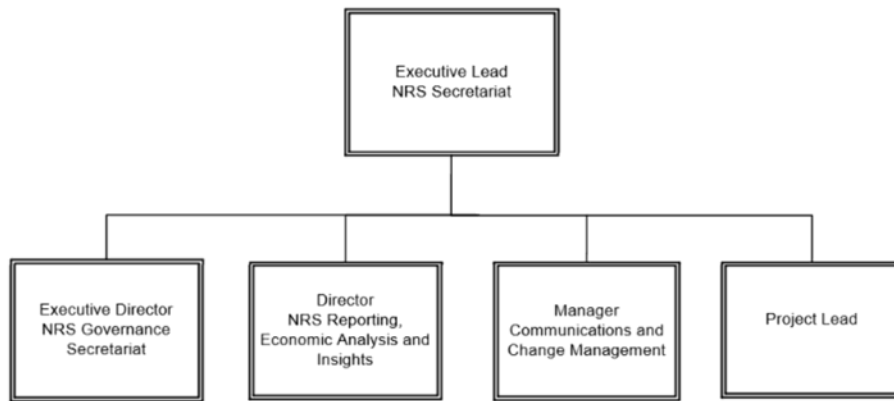
Budget: \$1.839M

Full Time Equivalents (FTEs): 21 (headcount as of October 1, 2022)

Related Legislation: N/A



**Organizational Chart:**



## EXECUTIVE MEMBER BIOGRAPHY



Sue Mader  
Executive Lead  
Natural Resource Sector Secretariat  
Ministry of Land, Water and Resource Stewardship

Sue joined the Ministry of Land, Water and Resource Stewardship in April 2022 as the Executive Lead for the Natural Resource Sector Secretariat. Prior to that, she spent three years as Executive Director, Policy and Corporate Priorities at RoadSafetyBC where she was responsible for legislation, policy and initiatives including the cross-sector BC Road Safety Strategy 2025. Before joining RoadSafetyBC, she was the Executive Director of the Accessibility Secretariat at the Ministry of Social Development and Poverty Reduction for six years, leading cross-government engagement, tracking, and stakeholder engagement focused on making BC more accessible for people with disabilities. Sue started her public service career in 2008 as a Communications Manager in the natural resource sector before moving over to the social side in 2011 as the Communications Director at the Ministry of Social Development.

Prior to joining government, Sue held leadership roles in organizations including the CBC and SMART Technologies, and she successfully ran her own management coaching and consulting business.

Sue has an MBA, a Bachelor of Arts and is a certified management coach.

Personal Information

## Cumulative Effects NRS Solutions

Executive Lead Responsible – Morgan Kennah

Core Business/ Program Area Description/Critical Business Processes:

The team is responsible for five key work areas:

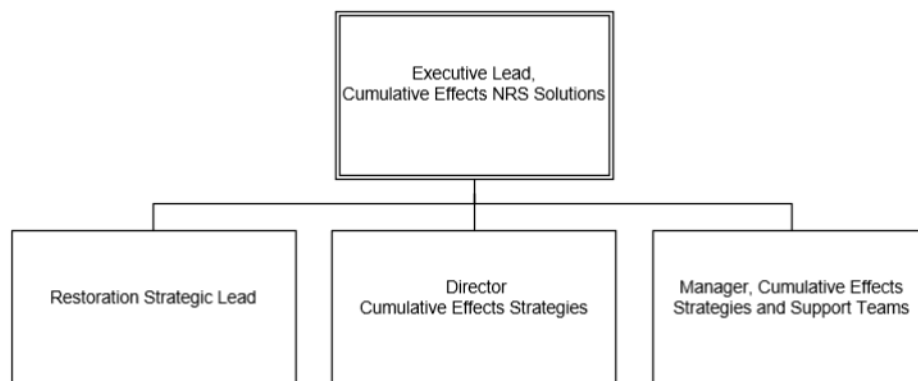
- 1) Strategic leadership and natural resource ministry/agency coordination in cumulative effects negotiations with Treaty 8 Nations in northeast BC, and the execution of agreements being pursued with these Nations, including associated change management and culture shifts necessary to work as partners with Treaty Nations on land and resource use.
- 2) The design and delivery of key components of the provincial response to the 2021 BC Supreme Court ruling of *Yahey v. BC* including (i) cumulative effects measures, (ii) interim- and longer-term decision-making approaches that move BC from application-by-application consultation to shared decision making approaches, and with consideration of cumulative effects in decisions, (iii) a restoration initiative involving substantive policy, process and fiscal elements focused on healing the land, and (iv) the provincial policy and legislative approach to implementing cumulative effects components of the Treaty 8 agreements.
- 3) Provincial leadership across the natural resource ministries and agencies to how we advance the management of cumulative effects, through policy (including legislative), program and process measures, and systems and tools.
- 4) Provincial leadership in providing advice on how to consider cumulative effects management in areas outside of northeast BC, based on lessons learned.

Budget: \$0.392M

Full Time Equivalents (FTEs): 5 (headcount as of October 1, 2022)

Related Legislation: N/A

Organizational Chart:



## EXECUTIVE MEMBER BIOGRAPHY



Morgan Kennah  
Executive Lead  
Cumulative Effects NRS Solutions  
Ministry of Land, Water and Resource Stewardship

Morgan joined what is now the Ministry of Land, Water and Resource Stewardship in November 2021 from the Ministry of Forests, Lands, Natural Resource Operations and Rural Development because of her interest in natural resource management in northeast BC. When she joined the public service in 2016, her first role was working in the northeast on strategic initiatives, which was focused on Site C and caribou recovery. She is passionate about natural resource management and seizing opportunities to lead change from the status quo to meet multiple interests and objectives. the complexities present in northeast BC.

Other roles Morgan has held while working for the public service include the modernization of policy in the forest sector, NRS policy and legislation, ministry internal communications and decision maker supports.

Prior to joining the public service, Morgan worked in the private sector for forest companies operating on Crown land and private land in BC, and for a sustainable fuel and platform chemical company (from oil seeds) in Alberta. She is a practicing Registered Professional Forester in BC, holds a Master of Business Administration and Bachelor of Science in Forestry.

## Permitting / Authorizations and Statutory Decision-Making Solutions Team

ADM Responsible: Jen Anthony, Executive Lead

### Core Business/ Program Area Description/Critical Business Processes:

#### Core Business

The Permitting/Authorizations and Statutory Decision-Making Solutions team (Permitting Team) is endorsed by the natural resource ministry (NRM) Deputy Ministers to undertake strategic, agile and innovative approaches to sustainably enhancing the Natural Resource Ministries (NRMs) permitting regime. The Team has been established in response to the findings of the 2021 cross-NRM assessment conducted by the Lands and Natural Resource Operations Secretariat.

#### Program Area Description

Efficient and effective delivery of permitting and authorizations services are key to achieving government's goals of economic activity and environmental sustainability that must be considered in tandem with government's commitment to reconciliation. Lengthy approval processes across all types of permitting and authorization activities are now commonplace, with timelines exceeding 500 days in some circumstances. This situation is resulting in more than \$1 billion of unrealized provincial economic activity and \$150 million in deferred annual provincial government revenues. Further impacts include reduced client satisfaction, reduced employee engagement and resiliency, and the erosion of Indigenous Nations and public trust and confidence in government's regulatory regime.

#### Critical Business Processes

The Permitting Team's core business is focused on alignment across the NRMs in the delivery of a revitalized, integrated and predictable permitting process. Three key priority projects include:

- Housing (supporting the Homes for BC Plan)
- Aggregate Development
- Connectivity BC

The Team is also focused on supporting numerous other cross-government initiatives already underway that will result in tangible, scalable approaches to permitting shifts and changes for the Province across all authorization and permitting types. To drive forward results the Permitting Team will focus on three areas to significantly improve the current situation:

#### **Legislation, Regulation and Policy**

- Working with subject matter experts to undertake a comprehensive and omnibus review of the legislation and policy prompting for reduction in low-risk and/or inconsequential (G2G) authorizations where possible; developing a critical path forward to implementing changes.
- Explore legislation and policy potential for co-developing accommodation tools (e.g., improved *Land Act* accommodation tools) with Indigenous Nations.
- Consider scope of fees from "heavy lift" (major capital projects) vs. small scale transactional (hunting and fishing licenses etc.)
- Supporting and alignment with Heritage Conservation Act Transformation initiative and changes to *Wildlife Act* to address permitting efficiencies

### Systems, People and Process

- Modernizing outdated and siloed systems by identifying attainable system improvements to streamline permitting process, (e.g., modernize payments methods to online, service streams for activity types, fees and tiering approaches, bundling) while maintaining alignment with a long-term vision.
- Working across the NRM's to consider service model transformation leading to eventual rebrand of Front Counter BC.

### Consultation and Decision-Making Framework

- Build a strategic shift in Statutory Decision-Maker (SDM) culture, practices and accountabilities that will create resiliency in the system to support predictable processes and decisions with an acceptable level of risk tolerance, while considering regional differences, by enhancing SDM supports and tools, risk management frameworks, delegated decision-making models and improved accommodation tools informed by DRIPA and the Yahey and T̓silhqot'in court decisions.

Budget: \$3.857M

Full Time Equivalents (FTEs): 29 (headcount as of October 1, 2022)

Related Legislation: The group does not have ownership of any legislation, however, will be looking to influence change and streamline legislation and regulations across all natural resource ministries.

Organizational Chart:



## EXECUTIVE MEMBER BIOGRAPHY



Jennifer Anthony  
Executive Lead  
Permitting/Authorization and Statutory Decision-Making Solutions  
Ministry of Land, Water and Resource Stewardship

Jennifer (Jen) Anthony is the Executive Lead for the Permitting/Authorizations and Statutory Decision-Making (SDM) Solutions group. The group is focused on developing agile approaches to ongoing permitting and SDM challenges across areas of process, legislation, policy and systems. The group is responsible for working across the NRM to establish greater certainty, transparency and clarity in the permitting process while reducing the overall volume of applications moving through the system. The Permitting & SDM solutions group has integrated the efforts of the previous FrontCounter BC provincial team within the broader organizational structure and solutions focused work.

Since joining the public service in BC in 2007, Jennifer has dabbled across different positions and jurisdictions, including a brief 2-year hiatus up to the Yukon to manage a regional office with the Yukon Environmental and Socio-Economic Board. Jennifer has worked with the Environmental Assessment Office and Energy & Mines in a diversity of leadership positions focused on a variety of mining-related issues.

Prior to joining the BC public service, Jennifer worked with the federal government in the Northwest Territories as well as Alberta under the Agriculture and Agri-Foods department as well as Environment Canada. Personal Information

# Ministry of Land, Water and Resource Stewardship — Functional Organization Chart

**Deputy Minister**  
**Lori Halls**

**David Muter, ADM**  
**Land Use Policy, Planning**  
**and Ecosystems**

- Develop and implement an integrated land management framework to guide land use decisions in BC
- Advance land use policies, objectives and strategies that guide tactical and operational activities
- Habitat and ecosystem assessment, reporting and management
- Modernized Land Use Planning
- Indigenous Stewardship Forums and guardians
- Together for Wildlife
- Nature Agreement
- Cumulative Effects Framework
- Species at Risk Recovery and the Provincial Caribou Recovery Program
- Chair for NRS Regional Management Committees
- Conservation science and policy

**Colin Ward, ADM**  
**Reconciliation and Natural Resource Sector Policy**

- Strategic land and resource reconciliation policy/ frameworks including: land and natural resource assets, governance/ co-management, engagement
- Cross sector policy
- Legislation co-ordination across sector / work with Declaration Act Secretariat on the alignment of NRS laws
- Co-ordinating today's efforts and building future legislative and policy frameworks for cumulative effects, shared decision making and climate change
- First Nations Consultation System

**Susan Mader, Executive Lead**  
**Natural Resource Sector Secretariat**

- Facilitate NRS vision, mission, goals
- Secretariat support to ADM/DMCNR
- NR socio-economic analysis to support trade-off decisions and climate change pathway
- Organizational effectiveness implementation
- NRS change management and communications
- NRS performance measurement and public reporting
- Annual strategic work planning and reporting (NR Sector)
- Research, science & analysis
- Regional investments to support stewardship

**Jennifer Anthony, Executive Lead,**  
**Permitting/Authorizations and Statutory Decision-Making Solutions**

- Broad initiative to review legislation, provincial policy, tools, supports and standards needed to support statutory decision making and effective permitting and authorizations
- FrontCounter BC Provincial policy and service improvement

**Morgan Kennah, Executive Lead,**  
**Cumulative Effects NRS Solutions**

- Build a cumulative effects management system in response to the Blueberry River First Nations court case that can be leveraged elsewhere in the province

**Deputy Minister's Office**

- Strategic Priorities
- Executive Operations
- Correspondence, FOI, Records Management
- Internal communications & change management
- Internal Planning and Priorities

**Andrew Calarco, ADM & CIO**  
**Natural Resource Information &**  
**Digital Services**

- Supporting NRS-wide IT application infrastructure, including strategy and operations
- Maintaining provincial network of radio repeater sites and weather stations
- Base mapping, provincial aerial surveys, and land survey foundation of BC
- Geospatial analysis and services
- NR Sector and ministry digital strategies
- Foundational ecosystems Information
- Field technology services
- Conservation Data Centre
- NRS Library and research publication services
- IM/IT Governance, Investment & Strategic Planning
- NRS Business Services Desk

**Corporate Services for the**  
**Natural Resource Sector**

**Sonja Martins, ADM & EFO, LWRS & FOR**  
**Ranbir Parmar, ADM & EFO, AF, ENV, EMLI, IRR**

- Financial Services
- Facilities
- Fleet and Assets
- Corporate Security and Business Continuity
- Strategic Human Resources

**James Mack, ADM**  
**Water, Fisheries and Coastal Policy & Planning**

- Water strategic policy and legislation
- Watershed sustainability plans and water quality objectives
- Multi-jurisdictional water agreements
- BC's 'source to tap' drinking water strategy
- Wild fisheries and aquaculture policy
- Aquatic habitat and fish conservation science, policies, plans and strategies
- Aquatic and Marine Species at Risk policy and recovery plans,
- Aquatic invasive policy and programs,
- Coastal Marine Policy and Planning
- Intergovernmental lead with DFO
- Provincial lead for First Nations Fisheries Council MOU





February 25, 2022

Honourable Josie Osborne  
Minister of Land, Water and Resource Stewardship  
and Minister responsible for Fisheries  
Parliament Buildings  
Victoria, British Columbia V8V 1X4

Dear Minister Osborne:

Thank you for agreeing to serve British Columbians as Minister of Land, Water and Resource Stewardship and Minister responsible for Fisheries.

In this past year, as a member of Cabinet, your work has contributed to this government's efforts to support British Columbians as they face the impacts of COVID-19. People throughout the province continue to work together to stay safe and rebuild their lives and communities from the effects of the pandemic. Our government remains committed to getting through the pandemic and its after effects by building on this resilience and focusing on what matters most to people.

British Columbians voted for a government focused on their priorities: providing better health care for people and families, delivering affordability and security in our communities, and investing in good jobs and livelihoods in a clean-energy future.

I expect you –with support of your ministry – to focus on the commitments detailed in our platform, *Working for You*, along with the following foundational principles:

- **Putting people first:** Since 2017, our government has focused on making decisions to meet people's needs. That focus drove our work in our first term and will continue to be our priority. British Columbians are counting on the government to keep them safe and to build an economic recovery that works for everyone, not just those at the top. Keeping people at the centre of everything we do means protecting and enhancing the public services people rely on and working to make life more affordable for everyone.

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**Office of the  
Premier**

**Web Site:**  
[www.gov.bc.ca](http://www.gov.bc.ca)

**Mailing Address:**  
PO Box 9041 Stn Prov Govt  
Victoria BC V8W 9E1

**Location:**  
Parliament Buildings  
Victoria

- **Lasting and meaningful reconciliation:** Reconciliation is an ongoing process and a shared responsibility for us all. The unanimous passage of the *Declaration on the Rights of Indigenous Peoples Act* was a significant step forward in this journey. True reconciliation will take time and ongoing commitment to work with Indigenous peoples as they move toward self-determination. Our government – and every ministry – must remain focused on creating opportunities for Indigenous peoples to be full partners in our economy and providing a clear and sustainable path for everyone to work toward lasting reconciliation.
- **Equity and anti-racism:** Our province's history, identity and strength are rooted in its diverse population. Yet racialized and marginalized people face historic and present-day barriers that limit their full participation in their communities, workplaces, government, and their lives. Our government has a moral and ethical responsibility to tackle systemic discrimination in all its forms – and every ministry has a role in this work. While our caucus elected a record number of women, more work remains to address gender equity. Delivering on our commitments to address racial discrimination will require a commitment by all of government to ensure increased IBPOC (Indigenous, Black and People of Colour) representation within the public service, including in government appointments. Our efforts to address systemic discrimination must also inform policy and budget decisions by reviewing all decisions through a Gender-Based Analysis Plus (GBA+) lens.
- **A better future through fighting climate change:** In 2018, our government launched our CleanBC climate action plan. CleanBC puts British Columbia on the path to a cleaner, better future by building a low-carbon economy with new clean-energy jobs and opportunities, protecting our air, land and water and supporting communities to prepare for climate impacts. It is every Minister's responsibility to ensure your ministry's work continues to achieve CleanBC's goals.
- **A strong, sustainable economy that works for everyone:** We will continue our work to support British Columbians through the pandemic and the economic recovery by investing in health care, getting people back to work, helping businesses and communities, and building the clean, innovative economy of the future. Our plan will train the workforce of tomorrow, help businesses hire and grow and invest in the infrastructure needed to build our province.

The pandemic has reminded us that we're strongest when we work together. Delivering on our commitments to people will require a coordinated effort with your cabinet and caucus colleagues, supported by the skilled professionals in the public service. You will also support your cabinet colleagues to do their work, particularly where commitments cross ministry lines.

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British Columbians expect their elected representatives to work together to advance the broader public good despite their partisan perspectives. That means seeking out, fostering, and championing good ideas, regardless of their origin. I expect you to reach out to elected members from all parties as you deliver on your mandate. Further, you will build thoughtful and sustained relationships through public and stakeholder engagement plans that connect with people to incorporate their perspectives early in the policy development process. These plans must include measurable outcomes and ensure active dialogue and ongoing outreach in your ministry's actions and priorities.

Over the course of our mandate, I expect you will make progress on the following items:

- Develop a path forward with First Nations to build a co-managed land and resource management regime that will ensure natural resources are managed effectively now and in the future.
- Continue the modernization of land use planning for ecosystems, rivers, lakes, forests, land and waters by involving First Nations, local communities, and industry confirming social choice on the land base through inclusive processes.
- Provide provincial leadership on water policy and strategies including the coordination of government's source to tap strategy to protect drinking water.
- Lead the Together for Wildlife Strategy, with the support of the Parliamentary Secretary for Environment, and with neighbouring jurisdictions, to cooperatively develop and invest in new strategies aimed at better protecting our shared wildlife and habitat corridors.
- Ensure our water and watersheds are respected and valued, through the development of the Watershed Security Strategy and Watershed Security Fund with support from the Minister of Environment and Climate Change Strategy.
- Lead the development of the Coastal Marine Strategy – in partnership with First Nations and federal and local governments – to better protect coastal habitat while growing coastal economies with support from the Minister of Environment and Climate Change Strategy.
- Continue the implementation of the Wild Salmon Strategy including working with the federal government to double the Salmon Restoration and Innovation Fund.
- Continue to work with partners to protect species at risk and work collaboratively with other ministries to protect and enhance BC's biodiversity.

.../4

- Increase the Province's capacity to manage for cumulative effects through integration of science-based land, aquatic, resource, geographic data and Indigenous knowledge so evidence-informed policy and decisions can be made by statutory decision makers.
- Work with the Minister of Forests to support the implementation of the recommendations of the Old Growth Strategic Review in collaboration with First Nations, labour, industry, and environmental groups.
- Work with the Minister of Tourism, Arts, Culture and Sport to ensure the tourism, cultural, recreational, and economic benefits from heritage and historic places, mountain resorts, and adventure tourism are integrated into modernized land-use policy and planning.
- To ensure alignment between transportation and land-use planning, support the Minister of Transportation and Infrastructure, and work with the Minister of Municipal Affairs, on the implementation of the Integrated Transportation and Development Strategy.

To assist you in meeting the commitments we have made to British Columbians, you are assigned a Parliamentary Secretary for Fisheries and Aquaculture. You will work closely together and ensure your Parliamentary Secretary receives appropriate support to deliver on the following priorities, outlined in the mandate letter issued to them:

- Lead work with the federal government to develop new strategies to protect and revitalize BC's wild salmon populations building on past successes such as protection of fish habitat and innovation in fish hatcheries.
- In partnership with federal, First Nations and local governments, support the work to develop and implement the Watershed Security Strategy and Fund, Coastal Marine Strategy, and Wild Salmon Strategy.
- In collaboration with federal, First Nations, local governments and industry, support the work to develop and implement a responsible plan, including technology-based solutions, to transition from open-net finfish aquaculture.

Our work as a government must continually evolve to meet the changing needs of people in this province. Issues not contemplated in this letter will come forward for government action and I ask you to bring such matters forward for consideration by the Planning and Priorities Committee of cabinet, with the expectation that any proposed initiatives will be subject to the usual cabinet and Treasury Board oversight. Your ministry's priorities must reflect our government's overall strategic plan as determined by cabinet.

.../5

All cabinet members are expected to review, understand and act according to the *Members' Conflict of Interest Act* and conduct themselves with the highest level of integrity. As a minister of the Crown, your conduct will reflect not only on you, but on cabinet and our government.

You are responsible for providing strong, professional, and ethical leadership within cabinet and your ministry. You will establish a collaborative working relationship with your deputy minister and the public servants under their direction who provide the professional, non-partisan advice that is fundamental to delivering on our government's priorities. You must ensure your minister's office meets the highest standards for integrity and provides a respectful and rewarding environment for all staff.

My commitment to all British Columbians is to do my level best to make sure people's lives are better, safer, and more affordable. I believe the challenges we face can and will be overcome by working together. By way of this letter, I am expressing my faith that people can expect the same commitment from you.

Sincerely,

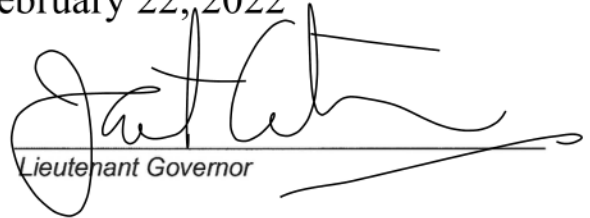
A handwritten signature in black ink, reading "John J. Horgan". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

John Horgan  
Premier

**PROVINCE OF BRITISH COLUMBIA**  
**ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL**

Order in Council No. 92

, Approved and Ordered February 22, 2022



Lieutenant Governor

**Executive Council Chambers, Victoria**

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that

- (a) effective February 25, 2022, Order in Council 602/2020 is amended as set out in the attached Schedule 1, and
- (b) effective April 1, 2022, Order in Council 602/2020 is amended as set out in the attached Schedule 2.



Presiding Member of the Executive Council

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*(This part is for administrative purposes only and is not part of the Order.)*

**Authority under which Order is made:**

Act and section: Constitution Act, R.S.B.C. 1996, c. 66, ss. 10, 13 and 14

Other: OIC 602/2020; OIC 640/2020; OIC 482/2021; OIC 2/2022

O10588533

## SCHEDULE 1

*1 Order in Council 602/2020 is amended in Appendix A by adding the following:*

### **Land, Water and Resource Stewardship**

**23.1** The Ministry of Land, Water and Resource Stewardship is established.

*2 Appendix B is amended by repealing Item 148 and substituting the following Item as indicated:*

| Column 1<br>ITEM | Column 2<br>ACT              | Column 3<br>DETAILS | Column 4<br>MINISTER                 |
|------------------|------------------------------|---------------------|--------------------------------------|
| 148              | Environment and Land Use Act |                     | Land, Water and Resource Stewardship |

## SCHEDULE 2

*1 Order in Council 602/2020 is amended in Appendix A*

*(a) by repealing section 3 and substituting the following:*

### **Agriculture and Food**

**3** The Ministry of Agriculture, Food and Fisheries is continued under the name Ministry of Agriculture and Food. ,

*(b) by repealing section 9 and substituting the following:*

### **Education and Child Care**

**9** The Ministry of Education is continued under the name Ministry of Education and Child Care. ,

*(c) by repealing sections 13, 14 and 15,*

*(d) by repealing section 18 and substituting the following:*

### **Forests**

**18** The Ministry of Forests, Lands, Natural Resource Operations and Rural Development is continued under the name Ministry of Forests. , *and*

*(e) by adding the following:*

**23.2** The Minister of Land, Water and Resource Stewardship is designated as the official appointed under the *Constitution Act* to whom the reference to “minister responsible for the *Wildlife Act*” in sections 149.1 and 150.1 of the *Forest and Range Practices Act* is considered to be made.

- 23.3** The Minister of Land, Water and Resource Stewardship is designated as the official appointed under the *Constitution Act* to whom the reference to “minister responsible for the administration of the *Wildlife Act*” in section 150.5 (e) of the *Forest and Range Practices Act* is considered to be made.
- 23.4** The Minister of Land, Water and Resource Stewardship is designated as the official appointed under the *Constitution Act* to whom the reference to “minister responsible for the *Land Act*” in sections 150 (1) (a) (i) and 150.3 of the *Forest and Range Practices Act* is considered to be made.
- 23.5** The Minister of Land, Water and Resource Stewardship is designated as the official appointed under the *Constitution Act* to whom the reference to “minister responsible for the *Water Sustainability Act*” in section 150 (1) (a) (ii) of the *Forest and Range Practices Act* is considered to be made.
- 23.6** The Minister of Land, Water and Resource Stewardship is designated as the official appointed under the *Constitution Act* to whom the reference to “minister responsible for the administering the *Wildlife Act*” in section 104 (1) of the *Oil and Gas Activities Act* is considered to be made.
- 23.7** The Minister of Land, Water and Resource Stewardship is designated as the official appointed under the *Constitution Act* to whom the reference to “minister responsible for administering the *Land Act*” in section 104 (3) (a), (b) and (d) of the *Oil and Gas Activities Act* is considered to be made.
- 23.8** The Minister of Land, Water and Resource Stewardship is designated as the official appointed under the *Constitution Act* to whom the reference to “minister responsible for administering the *Forest and Range Practices Act*” in section 104 (4) of the *Oil and Gas Activities Act* is considered to be made.

**2** *Appendix B is amended*

- (a) *in Column 3 in Items 151, 152, 359 and 360 by striking out “Minister of Forests, Lands, Natural Resource Operations and Rural Development” and substituting “Minister of Forests”,*
- (b) *in Column 3 in Item 366 by striking out “Minister of Agriculture, Food and Fisheries” and substituting “Minister of Agriculture and Food”,*
- (c) *in Column 4 in Items 6, 9, 161, 162, 163, 164, 184, 190, 192, 276, 326, 327, 328, 331, 350, 359, 366, 406, 447, 458, 530, 548, 598 and 599 by striking out “Agriculture, Food and Fisheries” and substituting “Agriculture and Food”,*
- (d) *in Column 4 in Items 182, 259, 521, 550 and 567 by striking out “Education” and substituting “Education and Child Care”,*
- (e) *in Column 4 in Items 34, 51, 73, 109, 121, 124, 152, 185, 198, 203, 205, 207, 208, 222, 223, 238, 254, 264, 297, 300, 301, 302, 305, 308, 309, 310, 319, 360, 376, 407, 419, 448, 460, 468, 493, 497, 515, 554, 589, 592, 605, 607, 608, 609, 611, 616, 617 and 622 by striking out “Forests, Lands, Natural Resource Operations and Rural Development” and substituting “Forests”,*



*(f) by adding the following Items as indicated:*

| Column 1<br>ITEM | Column 2<br>ACT                   | Column 3<br>DETAILS  | Column 4<br>MINISTER                    |
|------------------|-----------------------------------|--|---|
| 199.1            | Forest and Range Practices Act    | The following:<br>(a) Division 3 of Part 5;<br>(b) section 148.  | Environment and Climate Change Strategy |
| 201.1            | Forest and Range Practices Act    | The following:<br>(a) sections 141 and 143 as those provisions relate to the Minister of Land, Water and Resource Stewardship;<br>(b) sections 149 to 150.5.   | Land, Water and Resource Stewardship    |
| 298.1            | Land Act                          | The following:<br>(a) section 6;<br>(b) Part 7.1.  | Land, Water and Resource Stewardship    |
| 365.1            | Ministry of Environment Act       | The following:<br>(a) section 4 (2) (d);<br>(b) section 4 (2) (b), (f) and (g) as those provisions relate to the portfolio of the Minister of Land, Water and Resource Stewardship.  | Land, Water and Resource Stewardship    |
| 368.1            | Ministry of Forests and Range Act | Sections 4 (c), 5, 6 (a) and 6.1 as those provisions relate to the portfolio of the Minister of Land, Water and Resource Stewardship.  | Land, Water and Resource Stewardship    |
| 606.1            | Water Sustainability Act          | The following:<br>(a) section 43;<br>(b) sections 64 to 85;<br>(c) section 115 (1) (a) and (h);<br>(d) section 115 (2) and (3) as it relates to the portfolio of the Minister of Land, Water and Resource Stewardship;<br>(e) section 132. | Land, Water and Resource Stewardship    |
| 613.1            | Wildlife Act                      | Sections 6 and 108 (2) (a).  | Land, Water and Resource Stewardship    |

*(g) by repealing Item 612, and*

*(h) by repealing Items 57, 58, 78, 125.1, 125.2, 187, 201, 298, 304, 364, 365, 368, 375, 400, 514, 538, 606 and 613 and substituting the following Items as indicated:*

| Column 1<br>ITEM | Column 2<br>ACT   | Column 3<br>DETAILS | Column 4<br>MINISTER     |
|------------------|-------------------|---------------------|--------------------------|
| 57               | Child Care BC Act |                     | Education and Child Care |

|       |  |   |   |
|-------|--|---|---|
| 58    | Child Care Subsidy Act                   |   | Education and Child Care                |
| 78    | Community Care and Assisted Living Act   | Sections 8 and 34 (2) (h) and (h.1) and (6).  | Education and Child Care                |
| 125.1 | Early Childhood Educators Act            |   | Education and Child Care                |
| 125.2 | Early Learning and Child Care Act        |   | Education and Child Care                |
| 187   | Flathead Watershed Area Conservation Act |   | Land, Water and Resource Stewardship    |
| 201   | Forest and Range Practices Act           | The Act except the following:<br>(a) as it relates to<br>(i) the collection of public money, as defined in section 1 of the <i>Financial Administration Act</i> , other than a fine, or<br>(ii) the administration of deposits and securities payable;<br>(b) Part 8.1;<br>(c) Division 3 of Part 5;<br>(d) sections 141 and 143, as those provisions relate to the Minister of Land, Water and Resource Stewardship;<br>(e) sections 148 to 150.5;<br>(f) section 166 as that provision relates to the portfolio of the Attorney General and Minister Responsible for Housing. | Forests                                 |
| 298   | Land Act                                 | The Act except the following:<br>(a) section 6;<br>(b) Part 7.1.  | Forests                                 |
| 364   | Ministry of Environment Act              | The Act except the following:<br>(a) section 4 (2) (d);<br>(b) sections 4 (2) (b), (f) and (g) as those provisions relate to the portfolio of the Minister of Land, Water and Resource Stewardship;<br>(c) section 6.1 as that provision relates to the portfolio of the Minister of Forests.   | Environment and Climate Change Strategy |
| 365   | Ministry of Environment Act              | Section 6.1 as that provision relates to the portfolio of the Minister of Forests.  | Forests                                 |

|     |                                      |  |                                      |
|-----|--------------------------------------|--|--------------------------------------|
| 368 | Ministry of Forests and Range Act    | The Act except the following:<br>(a) as it relates to<br>(i) the collection of public money, as defined in section 1 of the <i>Financial Administration Act</i> , other than a fine, or<br>(ii) the administration of deposits and securities payable;<br>(b) sections 4 (c), 5, 6 (a) and 6.1 as those provisions relate to the portfolio of the Minister of Land, Water and Resource Stewardship;<br>(c) section 4 (d) (ii) and (e) as those provisions relate to the portfolio of the Minister of Agriculture and Food. | Forests                              |
| 400 | Muskwa-Kechika Management Area Act   |  | Land, Water and Resource Stewardship |
| 514 | Resort Timber Administration Act     |  | Tourism, Arts, Culture and Sport     |
| 538 | Skagit Environmental Enhancement Act |  | Land, Water and Resource Stewardship |
| 606 | Water Sustainability Act             | The Act except the following:<br>(a) section 43;<br>(b) sections 64 to 85;<br>(c) section 115 (1) (a) and (h);<br>(d) section 115 (2) and (3) as it relates to the portfolio of the Minister of Land, Water and Resource Stewardship;<br>(e) section 132.  | Forests                              |
| 613 | Wildlife Act                         | The Act except sections 6 and 108 (2) (a).   | Forests                              |

**3 Appendix C is amended as follows:**

- (a) in Column 4 in Items 8 and 19 by striking out “Education” and substituting “Education and Child Care”, and**
- (b) in Column 4 in Items 2, 5, 15, 22 and 23 by striking out “Forests, Lands, Natural Resource Operations and Rural Development” and substituting “Forests”.**

## Summary of Legislation Administered by Ministry of Land, Water and Resource Stewardship

| Act                                  | Details   |
|--------------------------------------|---|
| Environment and Land Use             | Establishes the Environment and Land Use Committee and its framework of operation.  |
| Flathead Watershed Area Conservation | Provides legal framework for permissible land use in the Southern Rocky Mountains Management Plan to balance economic, social and environmental values for the long-term health of the economy, communities and ecosystems within the eastern portion of the Cranbrook Timber Supply Area.  |
| Forest and Range Practices           | The following:<br>(a) sections 141 (general power to make regulations) and 143 (ability to set fees by way of regulation) as those provisions relate to the Minister of Land, Water and Resource Stewardship.<br>(b) sections 149 - 150.5 (prescribing objectives through regulation, objectives through regulation for these areas: ungulate winter range, wildlife habitat, community watersheds, watersheds with fish values and significant watershed sensitivity, lakeshore management zones and objectives, scenic areas and visual quality objectives, streams, wetlands and lakes criteria and classifications) |
| Land                                 | The following:<br>(a) section 6; (provides authority for base mapping and land related information systems)<br>(b) Part 7.1 (Land designation and establishment of objectives)  |
| Ministry of Environment              | The following:<br>(a) section 4 (2) (d); (standards for, collect, analyze data)<br>(b) sections 4 (2) (b) (planning), (f) (commissioning studies) and<br>(g) (public information) as those provisions relate to the portfolio of the Minister of Land, Water and Resource Stewardship.  |
| Ministry of Forests and Range        | The following:<br>(a) sections 4 (c) (resource management for socio-economic benefit), 5 (ability to acquire land), 6 (a) (entering agreements) and 6.1 (publish information) as those provisions relate to the portfolio of the Minister of Land, Water and Resource Stewardship.  |
| Muskwa-Kechika Management Area       | Creates the Muskwa-Kechika Advisory Board. They manage integrated resource management decisions in a specific area of Northern B.C.   |

## Summary of Legislation Administered by Ministry of Land, Water and Resource Stewardship

|                                  |  |
|----------------------------------|--|
| Skagit Environmental Enhancement | Creates a commission that manages broad projects/ funds for the overall enhancement of ecosystems and is tied to High Ross Treaty.   |
| Water Sustainability             | The following:<br>(a) section 43 (water objectives);<br>(b) sections 64 to 85 (water sustainability plans);<br>(c) section 115 (1) (a) and (h), (2) and (3) (Advisory boards);<br>(d) section 132 (regulation making for water sustainability plans) |
| Wildlife                         | The following:<br>(a) sections 6 (endangered and threatened species) and 108 (2) (a) (regulation making for endangered and threatened species).  |

**ENVIRONMENT AND LAND USE ACT**  
**[RSBC 1996] CHAPTER 117**

**Definitions**

**1** In this Act:

"**committee**" means the Environment and Land Use Committee continued under this Act;

"**environment**" means all the external conditions or influences under which humans, animals and plants live or are developed.

**Committee continued**

**2** (1) The Environment and Land Use Committee is continued and consists of the following:

(a) a member of the Executive Council appointed by the Lieutenant Governor in Council and designated in the appointment as chair;

(b) subject to subsection (1.1), other members of the Legislative Assembly appointed by the Lieutenant Governor in Council.

(1.1) The majority of members of the Environment and Land Use Committee must be members of the Executive Council.

(2) The committee may determine its own procedure and may elect an acting chair to act in the absence of the chair.

(3) If the committee has more than 3 members its quorum is 3.

**Duties of the committee**

**3** The committee has the following duties and powers:

(a) to establish and recommend programs designed to foster increased public concern and awareness of the environment;

(b) to ensure that all the aspects of preservation and maintenance of the natural environment are fully considered in the administration of land use and resource development commensurate with a maximum beneficial land use, and minimize and prevent waste of those resources, and despoliation of the environment occasioned by that use;

(c) if considered advisable, to make recommendations to the Lieutenant Governor in Council respecting any matter relating to the environment and the development and use of land and other natural resources;

(d) to inquire into and study any matter related to the environment or land use;

(e) to prepare reports, and, if advisable, to make recommendations to the Lieutenant Governor in Council.

#### **Powers of committee**

**4** The committee may do one or more of the following:

(a) hold a public inquiry if it appears to the committee that the proper determination of any matter within its jurisdiction requires an inquiry;

(b) appoint technical committees;

(c) subject to the approval of the Lieutenant Governor in Council, provide for the remuneration of experts, specialists and researchers and, under the *Public Service Act*, of clerks and other employees as required.

#### **Powers of chair and members for public inquiry**

**5** For a public inquiry under section 4 (a), the chair of the committee or a member of the committee authorized by the committee to hold a hearing has the powers and jurisdiction of a justice under the *Offence Act*.

#### **Expenses of committee members**

**6** (1) No member of the committee is entitled to remuneration as a member of the committee.

(2) A member may be paid and receive travelling and out of pocket expenses in accordance with the general directives of the Treasury Board.

#### **Orders of Lieutenant Governor in Council**

**7** (1) On the recommendation of the committee, and despite any other Act or regulation, the Lieutenant Governor in Council may make orders the Lieutenant Governor in Council considers necessary or advisable respecting the environment or land use.

(2) A minister, ministry or agent of the Crown specified in an order under subsection (1) must not exercise a power under any other Act or regulation except in accordance with the order.

#### **Power to make regulations**

**8** The Lieutenant Governor in Council may make regulations referred to in section 41 of the *Interpretation Act*.

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## BRIEFING NOTE FOR INFORMATION

**DATE:** October 19, 2022  
**PREPARED FOR:** Minister of Land, Water and Resource Stewardship  
**ISSUE:** Canada-British Columbia Nature Agreement

### BACKGROUND:

- The federal government is seeking to establish Nature Agreements with provinces and territories, supported by \$2.3 billion in funding to advance the following key interests:
  - Provincial and territorial government support for the international conservation targets adopted by the federal government to protect 25 percent of land and water by 2025 and 30 percent by 2030;
  - Meaningful reconciliation with First Nations in a land stewardship context;
  - Investments into nature-based solutions for climate change (e.g., carbon storage); and,
  - Species at risk recovery and protection.
- Development of a Canada-British Columbia (BC) Nature Agreement (the Agreement) was announced publicly in February 2021, with a focus on its potential for improved collaboration to benefit species at risk recovery.
- In July 2021, the Environment and Land Use Committee (ELUC) approved negotiation of a Canada-BC Nature Agreement to achieve five provincial interests
  - Respect for provincial jurisdiction and collaborative / shared decision making with First Nations on land use decisions;
  - Modernization of the Species at Risk Act (SARA);
  - Shared commitment to address socio-economic impacts;
  - BC led Indigenous engagement; and,
  - More integrated outcomes based approach to stewardship and conservation.
- The drafting approach has been to develop an over-arching strategic agreement which largely enables and outlines broad stewardship areas for high-level commitments and federal financial investment for Indigenous partnerships, conservation and protection, species at risk, restoration, and foundational knowledge and information sharing.
- Advice/Recommendations

### DISCUSSION:

Environment Climate Change Canada (ECCC) has indicated a strong interest to finalize a Nature Agreement with BC to be announced at the United Nation Biodiversity Conference (COP 15) in Montreal this December 2022. Canada's primary interest is to see progress and provincial / territorial support for their 25 percent by 2025 and 30 percent by 2030 conservation target. Quebec has indicated support for 30 percent conservation and Nova Scotia has indicated support for increasing conservation.



ECCC has offered Government over eight years to support conservation initiatives of mutual interest. Although some of this amount was previously committed, it is incremental to current funding received from the federal government and provides good support for Indigenous stewardship partnership and land use planning. However, there is only limited funding available to support socio-economic impacts (\$50 million as part of the Old Growth Fund which is constrained to coastal and interior wet-belt ecosystems) and only Government for conservation and restoration activities in Treaty 8 territory. These funding amounts fall short of the socio-economic costs of conservation initiatives and the restoration costs already committed to Treaty 8 First Nations Government Financial Information; .

BC staff have regularly engaged with multiple provincial ministries on socio-economic impacts and opportunities, while ECCC has consistently avoided broader engagement noting these impacts are beyond their scope and mandate. In response, BC has adopted a broader negotiation approach by connecting with staff in other federal Ministries including Natural Resources Canada, and Crown Indigenous Relations. A leave behind briefing document (see Appendix A) was provided that set out BC positions that *“with the proper incremental investments from Canada to mitigate socio-economic impacts, and fund restoration of habitat, and Indigenous Stewardship initiatives, BC is prepared to seek a mandate to support Canada’s land conservation targets of 25 percent by 2025 and 30 percent by 2030.”* ECCC’s formal response to BC’s proposal can be found in Appendix B.

ECCC agrees that addressing socio-economic impacts is a major barrier to their nature agenda; however, recently responded to BC stating that they are unable to meet BC’s requests regarding socio-economic impact or funding for restoration with geographic specificity. In both instances ECCC has stated that the requests fall outside their mandate. An increased investment may be possibly without geographic restrictions and strong commitments from BC to increase protections for high-priority species at risk (e.g., spotted owl, caribou), restoration of ecosystems with high carbon storage potential (e.g., coastal Douglas fir, boreal peatlands), and improved legislative and regulatory alignment with the federal SARA. It is unclear the potential increase in fund commitment.

ECCC has already stated that they are unable to modernize SARA. If the Nature Agreement falls short on restoration funding and on a commitment to support socio-economic impacts of conservation BC will need to consider its options.

### **INDIGENOUS PEOPLES:**

Modernized Land Use Planning and Collaborative Indigenous Stewardship programs are two of the most meaningful approaches to achieving reconciliation with First Nations. While these programs are very successful, they have only limited funding. The Government identified from ECCC will provide incremental support to these programs. However, with only limited support for restoration in Treaty 8 territory and no support for socio-economic impacts BC will face significant cost pressures and impacts to the economy in implementing new land use plans.

### **CONCLUSION:**

Further negotiations with Canada across multiple ministries are needed in order to achieve the objectives set by ELUC for the Canada-BC Nature Agreement.

### **APPENDIX:**

- Appendix A - Finalizing the Canada – BC Nature Agreement Leave Behind Document
- Appendix B – October 18, 2022 letter from Paul Halucha, Environment and Climate Change Canada



**PREPARED BY:**

David Muter ADM  
Land Use Policy, Planning and Ecosystems  
Phone: 250-217-5385

**REVIEWED BY:**

|                  | Initials | Date             |
|------------------|----------|------------------|
| DM               | LH       | October 20, 2022 |
| ADM              | DM       | October 19, 2022 |
| Program Dir/Mgr. |          |                  |
|                  |          |                  |

## Appendix A: Finalizing the Canada – British Columbia Nature Agreement

**Problem Statement:** BC and Canada have closely aligned objectives when it comes to habitat restoration and conservation and partnering with First Nations on stewardship of lands and water. However, conservation initiatives will have a significant impact on British Columbia's (BC) economy, rural communities and jobs and require compensation to tenure holders. With the proper incremental investments from Canada to mitigate socio-economic impacts, and fund restoration of habitat, and Indigenous Stewardship initiatives, BC is prepared to seek a mandate to support Canada's land conservation targets of 25 percent by 2025 and 30 percent by 2030 (10 million hectares) and jointly announce the commitment in advance of United Nations Bio-Diversity Summit (COP 15) in December 2022.

### Key Messages

- Canada and BC have a long history of shared conservation goals and taking leadership together on climate change, environmental protection, species at risk recovery, habitat restoration and partnerships with First Nations on collaborative stewardship.
- BC is a leader in Canada on conservation and stewardship initiatives, has a proven track record and has recently implemented several new and innovative programs including:
  - Leading the Together for Wildlife Strategy to cooperatively develop and invest in new strategies aimed at better protecting our shared wildlife and habitat corridors.
  - Implementing all 14 recommendations from the Old Growth Strategic Review, including establishing ecosystem health and biodiversity as overarching priorities.
  - Working in partnership with First Nations to advance modernized land use planning that will inform land use decisions in BC.
- Each of these conservation initiatives will bring unique benefits for BC, Canada, and First Nations, however habitat protection will also have an impact on tenure holders (mineral and forestry primarily) businesses, communities, and jobs within and surrounding the identified areas.
- With the proper incremental investment from Canada, BC is prepared to formally support Canada's land conservation targets of 25 percent by 2025 and 30 percent by 2030. Incremental investments are required in the following areas.
- BC's perspective on the conservation targets is they are a policy of the Government of Canada and have ramifications beyond Environment and Climate Change Canada (ECCC) and the Nature Fund. BC is taking a collaborative approach working with provincial natural resource ministries and expects federal ministries and departments, beyond just ECCC, do the same.
- In order to announce support for the 25 percent and 30 percent targets as part of COP 15, BC requires details on Canada's commitment on incremental funding by early October.

|  | BC Investment  | Required Incremental Federal Investment  |
|--|--|--|
| <b>Restoration in Northeast BC in Treaty 8 territory</b>       | Government Financial Information; Intergovernmental Communications   | Match BC's investment of Government Financial Information; Intergovernmental Communications  |
| <b>Guardians, Stewardship and Modernized Land Use Planning</b> | Government year for Guardians & collaborative stewardship<br>Government year for Modernized Land Use planning<br>Government year for Together for Wildlife   | Match BC's investment of Government annually through the existing governance structure for Collaborative Indigenous Stewardship, Modernized Land Use Planning, and Together for Wildlife |
| <b>Mitigating Socio-economic impacts</b>                       | Establish a joint BC – Canada Socio-economic table to analyse socio-economic impacts of each conservation initiative and provide funding required to mitigate the impact on tenure holders, communities, and jobs as part of individual land use mandate asks. |  |

## Background

- In February 2021, Canada and BC committed to developing a BC – Canada Nature Agreement that “will explore new ways to protect and restore habitat and strengthen ecosystem resilience to climate change.”
- BC has demonstrated leadership in conservation and has already exceeded Canada's Target 1 goal of 17 percent land conservation. Currently over 19 percent of BC land base is protected.
- Minister Osborne's mandate letter includes direction to “*Develop a path forward with First Nations to build a co-managed land and resource management regime that will ensure natural resources are managed effectively now and, in the future.*”
- Conservation and shared stewardship initiatives require investments to support partnerships with First Nations and to address the socio-economic impacts of increased conservation. For example:
  - The old growth deferral process was supported with a new investment of \$185 million over three years to support communities and workers impacted by deferrals. Additional funds for tenure compensation is needed for permanent protections
  - Since 2018 has invested \$40 million in modernized land use planning in partnership with Indigenous Nations, with significant collaboration and input from local governments and with the engagement of impacted stakeholders. The \$40 million investment has enabled

nine land use planning tables to advance. Incremental investments are needed to support additional land use planning areas.

- Since 2011, the Province has been supporting stewardship with Indigenous Nations to address long-standing concerns related to cumulative effects. Collaborative Indigenous Stewardship Forums are funded by BC through a joint BC – First Nations Governance Working Group to support over 100 First Nations. Incremental investments are needed to support all BC First Nations.
- BC currently has 19.6 percent of its land base conserved. With conservation initiatives in process with First Nation partners, BC could exceed 30 percent conservation by 2030.

| Initiative  | Estimated hectares | Description   |
|---|--------------------|---|
| <b>Omineca Land Use Plan</b>                              | 300,000            | Modernized land use plan in process with Carrier Sekani First Nations   |
| <b>Tahltan Land Use Plan</b>                              | 1,000,000          | Modernized land use plan in process with Tahltan First Nations  |
| <b>Treaty 8 Conservation</b>                              | 1,700,000          | As part of the response to the Yahey decision BC is working with Treaty 8 First Nations on additional protections (including caribou habitat) |
| <b>SM Caribou (Southern Group)</b>                        | 1,500,000          | Potential incremental habitat protections to be considered through herd planning  |
| <b>Great Bear Rainforest landscape reserve designs</b>    | 1,500,000          | Old growth protections to be implemented as part of Ecosystem Based Management  |
| <b>Kaska IPCA</b>   | 3,900,000          | Proposal from Kaska First Nations. BC would require funding to support  |
| <b>Old Growth permanent protections in priority areas</b> | 1,041,000          | Conversion of priority deferrals into permanent protection would require First Nations support and tenure compensation                        |
| <b>Flathead and Elk River Watersheds</b>                  | 605,000            | Federal conservation interest would require First Nations support and tenure compensation   |
| <b>Total</b>  | <b>11,546,000</b>  |   |

- Each of these conservation initiatives will have unique impacts on tenure holders, communities, jobs, and government revenue. BC proposes to form with Canada a socio-economic table that will be responsible for analyzing the socio-economic impacts of each conservation initiative and recommending funding required by BC and Canada to mitigate the impact on tenure holders, communities, and jobs.
- With a commitment of incremental funding from Canada, BC is prepared to work in partnership with First Nations to advance these conservation initiatives.



OCT 18 2022

Ms. Lori Halls  
Deputy Minister  
Ministry of Water, Lands and Resource Stewardship  
Government of British Columbia  
P.O. Box 9012, Station Provincial Government  
Victoria BC V8W9L6

Dear Ms. Halls:

Thank you for our recent discussions concerning the Canada-British Columbia Nature Agreement. This agreement represents an opportunity for us to work together to advance our shared objectives to protect habitat and species at risk, meaningfully apply nature-based climate solutions to mitigate greenhouse gas emissions, and to advance both nature conservation and reconciliation with Indigenous Peoples in British Columbia.

Canada is willing to invest up to <sup>Government Financial</sup> over eight years under Enhanced Nature Legacy (ENL), the Nature Smart Climate Solutions Fund (NSCSF) and the BC Old Growth Nature Fund (OGNF) to support implementation of the Nature Agreement, of which approximately <sup>Government Financial</sup> could support conservation activities and Indigenous stewardship in Treaty 8 territory. The remainder, up to <sup>Government Financial</sup> would be for implementation of the Agreement in the rest of British Columbia. It is important to note that funding provided under ENL, NSCSF and OGNF needs to meet the terms and conditions of these funds.

In addition, Natural Resources Canada notionally allocated <sup>Government Financial</sup> to British Columbia for incremental tree planting under their 2 Billion Trees program. The maximum federal contribution is generally 50 percent. However, it can increase to 60 percent for the portion of funding <sup>Government Financial Information; Intergovernmental Communications</sup> for tree planting that supports habitat restoration and conservation related to species at risk or other species of interest. <sup>Intergovernmental Communications</sup> so long as the objectives of the program can be met.

Furthermore, Canada will participate in regional discussions that will assess the socio-economic implications resulting from the implementation of the Nature Agreement and provide recommendations. Such discussions should

.../2

be developed and structured in such a way as to align with the recently established BC Regional Energy and Resource Table led by Natural Resources Canada.

It is our intention that the funds allocated for investment in British Columbia will be used to advance our shared objectives and concrete outcomes on conservation and reconciliation across the province. These outcomes include:

1. protection of at least 400 000 hectares of low-elevation, productive old growth forests in three targeted biogeoclimatic zones: Coastal Douglas Fir, Coastal Western Hemlock, and Interior Cedar Hemlock;
2. protection and conservation of sufficient hectares to achieve at least 25 percent protected and conserved areas in British Columbia, including commitments to the specific sites that will be outlined in an Annex to the Agreement;
3. active participation in federally led terrestrial protected areas proposals, specifically, implementation of the Parks Canada's System Plan in British Columbia;
4. timely completion and implementation of a Spotted Owl recovery strategy and action plan, including sufficient habitat protection to meet recovery needs, as well as monitoring and competitor control;
5. implementation of boreal caribou conservation measures aligned with the federal recovery strategy (65 percent undisturbed habitat), including restoration and, where justified, predator management, for all boreal caribou herds in British Columbia; and
6. at least <sup>Intergovernmental Communications</sup> per year of greenhouse gas mitigation that meets federal reporting standards for Environment and Climate Change Canada's NSCSF (represents <sup>Intergovernmental Communications</sup> of the total NSCSF objective of <sup>Intergov</sup> megatonnes per year reduction by 2030).

We also understand and compliment the provincial government's actions to support conservation and restoration activities in the northeast of the province. Environment and Climate Change Canada, along with our partners at Parks Canada and Natural Resources Canada, will continue to engage other federal departments on this very important issue.

With your support on various elements noted above, I would like us to aim for a signing and announcement of the Nature Agreement by our two governments on November 30 in the lead-up to COP 15 in Montréal in December.

I look forward to more discussions with you on the above, and to our future collaboration to advance the Nature Agreement and its accomplishments.

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- 3 -

Please accept my best regards.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Halucha". The signature is fluid and cursive, with a long horizontal stroke extending from the end of the name.

Paul Halucha



## BRIEFING NOTE FOR INFORMATION

**DATE:** September 29, 2022  
**PREPARED FOR:** Minister of Land Water and Resource Stewardship  
**ISSUE:** Caribou Recovery Program

### BACKGROUND:

- There are 55 different herds of caribou in BC that are split into three different ecotypes. Northern Mountain Caribou in the Northwest and North Central part of the province, Boreal Caribou herds in the Northeast part of the province, and Southern Mountain Caribou which range from Prince George down to the US border.
- Southern Mountain caribou are broken down into three different groups; the Southern Group, the Central Group, and the Northern Group.
- Despite earlier investments by the province, all six of the Boreal herds and 23 of the Southern Mountain herds are in decline. 13 of the 55 herds in BC have fewer than 25 animals. The main threat to most caribou populations is a high rate of predation by wolves, and to a lesser extent other predators (bears, coyote, wolverine, and cougars).
- Increased predation is caused by changes in landscape condition – broad scale reduction in older forests and expansion in younger forests. These young, open forests provide ideal foods for other deer, elk and moose. These ungulate species are the primary prey of wolves and cougar. This results in higher density of predators which then impact caribou populations negatively.
- Recent implementation of intensive management actions (i.e. maternal penning and predator control) in partnership with Saulteau and West Moberly First Nations have resulted in a reversal of the population decline in the central group which was previously declining at over 15% per year. Since the initiation of the intensive recovery efforts the population has grown from 162 caribou in 2014 to 289 in 2021.
- Caribou recovery requires a coordinated approach (depending on the specific conditions faced by a herd) involving a unique combination of the following actions:
  - Habitat protection and restoration
  - Predator management,
  - Maternal penning/conservation breeding, and
  - Cooperative recovery planning with all Indigenous Nations, invested groups (communities, industry, adjacent jurisdictions), and other stakeholder groups.

## Caribou Program Budget Summary -Fiscal 2021/22

| Theme        |   | \$                   |
|--------------|---|----------------------|
| 2            | Information and Data Mngt.                | 254,079              |
| 3            | Herd Planning and Prioritization          | 191,475              |
| 4            | Habitat Restoration, Mngt., Assessment    | 2,921,822            |
| 5            | Science, Research, Monitoring             | 2,740,398            |
| 6            | Population Mngt. Actions                  | 1,980,637            |
| 7            | Indigenous, Partnership, Other Engagement | 234,755              |
| 8            | Staff and Administration                  | 3,173,750            |
| <b>Total</b> |   | <b>\$ 11,496,916</b> |
|              | No expenses in Theme 1                    |                      |

### DISCUSSION:

On February 21, 2020, the Province signed the Intergovernmental Partnership Agreement for the Conservation of the Central Group of Southern Mountain Caribou (the "Partnership Agreement") in Northeastern BC and the Canada British Columbia Conservation Agreement for Southern Mountain Caribou (the "Section 11 Agreement") for all Southern Mountain Caribou.

The Southern Group of Southern Mountain Caribou range from Prince George down to the US borders. Of the 17 herds within the Southern Group, 9 are either extirpated or functionally extirpated such that recovery is not feasible. For the other 8 herds there is a reasonable chance of stabilizing the declining populations and moving towards recovery, however additional habitat protection is required.

The federal Species at Risk Act calls for 100% protection of all core caribou habitat and limited disturbance of all surrounding areas that are key to supporting caribou (also known as matrix habitat). Experts in the Provincial Caribou Recovery Program have assessed habitat needs for the Southern Group of Southern Mountain Caribou and estimate that there is an option that can achieve population recovery by protecting 85%-90% of core habitat and limiting disturbance in prioritized matrix habitat. This would support BC's objective to recover caribou populations and reduce socio-economic impacts.

#### Advice/Recommendations

In December 2021, ELUC endorsed the plan to establish Community Recovery Tables that would be tasked with supporting the recovery objective of the Section 11 Agreement and finding the best recovery options that meet the interests of the community. The Community Recovery Tables would be supported by provincial experts and would focus on identifying challenges and opportunities for recovery, clarifying impacts, identifying community interests, and recommending to government a recovery plan for the herds. This approach would build community support and thus reduce the risk of a legal petition and federal intervention.

The Caribou Recovery Program will be returning to ELUC in spring 2022 with a detailed engagement plan for the Community Recovery Tables to confirm the mandate and approach.

### INDIGENOUS PEOPLES:

Many Indigenous Nations have a deep cultural connection to caribou. Decline in caribou populations has forced First Nations to forgo traditional harvest for food social and ceremonial purposes. While BC is committed to caribou recovery, some First Nations have indicated that failing to recovery caribou to levels that support traditional harvest practices is an infringement on Aboriginal rights.

**MINISTRY RESPONSE:**

- To support the recovery of caribou BC has invested approximately \$10M per year over the last 5 years.
- In addition to this, Canada has supported efforts through a shared cost agreement totaling nearly \$2M per year.
- Provincial investments in caribou recovery will continue at this level to ensure continued resources to support BC's commitment to caribou recovery.
- The Caribou Recovery Program is a long-term commitment that will include all BC caribou herds in a comprehensive and uniform approach to recovery that incorporates adaptive management and traditional knowledge.

**PREPARED BY:**

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**REVIEWED BY:**

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| Program Dir/Mgr. |          |              |

## BRIEFING NOTE FOR INFORMATION

**DATE:** September 24, 2022

**PREPARED FOR:** Minister, Ministry of Land, Water and Resource Stewardship

**ISSUE:** Collaborative Indigenous Stewardship Framework

### BACKGROUND:

- The Collaborative Indigenous Stewardship Framework (CISF) represents a strategic approach to shared stewardship and collaborative land and resource management between British Columbia (BC) and partner First Nations. The CISF model supports and informs modernized land use planning, integrated field-based monitoring (Guardians), cumulative effects assessments, and collaborative approaches to shared decision making.
- CISF is based on principles of trust, transparency and ethical space, whereby Nations work with BC in a unique consensus-based framework to inform land and resource management decisions, in alignment with Natural Resource Sector (NRS) mandates to implement the *Declaration on the Rights of Indigenous People's Act* (Declaration Act), and the Declaration Action Plan.
- The CISF model is comprised of 15 regional Forums with 124 Nations involved; four in the Marine Plan Partnership for the North Pacific Coast, one in the Great Bear Rainforest (GBR), four Environmental Stewardship Initiative (ESI) Forums in the North Area, and six Collaborative Stewardship Forums (CSF) province-wide.
- The CISF demonstrates BC's response to the BC Supreme Court Yahey decision and provides a venue for strategic response province-wide, as Indigenous Nations look to the Northeast and demand similar action in their territories.
- The CISF provides a venue for deeper collaboration between BC, Nations, industry and stakeholders, and is a streamlined and effective way of avoiding engagement fatigue.
- The CISF is guided by a Governance Working Group (GWG), comprised of senior Nation leadership, elected and hereditary Chiefs. The GWG advises BC on the design, implementation and direction of the CISF, reflecting a true collaborative approach to governance.
- Forums cover close to 80% of the provincial land-base and are poised to be more permanently and consistently established, based on a decade of trials and testing. Discussions are underway with the remaining Nations not currently participating in a regional Forum.
- Key 2021/2022 outcomes of CISF:
  - Completion of 14 Cumulative Effects Assessment Reports and protocols.
  - Agreements in place to deliver forum-generated information to Land Use Planning and Water Sustainability Planning tables (e.g. Omineca, Fort St. John LRMP, Nicola Watershed, Upper Bulkley Morice (Wet'zinkwa)
  - Cross-Forum Data management/Data Sharing Framework
  - Over 73 Indigenous positions funded and 350 individuals trained, working as Fish and Wildlife Technicians, Land Management Guardians, Cumulative Effects Specialists, and Project Managers. Capacity funding provided through CISF is resulting in an increase in professional land and resource managers at the Nation community level, further supporting the path towards co-management.
  - Management recommendations generated for inclusion in the Provincial land and resource management regime. These include cumulative effects management recommendations, watershed management, key areas for restoration, operational practices for industry, fish and wildlife harvest guidelines, species management plans and parks management strategies.
- Regions containing a CSF Forum: Cariboo (Southern Dakelh Nation Alliance), Kootenay Boundary (Ktunaxa Nation), Thompson Okanagan (Nicola Bands and Sec'wep'emc), Skeena

(3 Nations - Kaska Dena Council (Daylu Dena Council and Dease River First Nation), Taku River Tlingit First Nation, Tahltan Nation), and South Coast (S'olh Temexw Stewardship Alliance, Sto:lo).

- Regions containing an ESI Forum: Skeena (East), Skeena (North Coast), Omineca (Carrier Sekani Nations), and the North East.

**DISCUSSION:**

CISF mandates expired March 31, 2022. Cabinet Confidences  
Cabinet Confidences

Participating

Nations state that the CISF model is the best example in delivering shared stewardship and trusted land and resource management.

At recent meetings between CISF Nations and Ministry Executive, the following key messages have been shared:

- BC endorses the model of regional collaborative stewardship forums as a central approach towards a Government-with-Government integrated stewardship co-management regime.
- Core funding will be allocated to the regional CISF model, incrementally and in-step with the evolution of the new LWRS ministry, designed to support principles of collaboration and shared stewardship.
- BC supports the expansion of the collaborative stewardship mandate to enable First Nations and BC to utilize and formally integrate Forum outputs and data into shared decision-making and co-management frameworks.
- The regional Forum model will evolve through the establishment of new Forums where there is an identified need and willingness by First Nations and BC.
- BC and Nations will work together to leverage federal support.

**MINISTRY RESPONSE:**

- The CISF is building a foundation for shared decision making on lands and resources by focusing on development of trusted data to support sound, evidence-based decisions and outcomes for lands and resources.
- Industry and stakeholder representatives are engaged to varying degrees in the CISF. Industry sees the CISF model as a venue for constructive work with First Nations, leading to trusted, informed and durable decisions in the future.
- Participating Nations have high expectations that BC will use CISF products and outcomes to inform operational and strategic decisions.

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| DM               | LH       | Oct 19, 2022 |
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| Program Dir/Mgr. |          |              |

## BRIEFING NOTE FOR INFORMATION

**DATE:** September 29 2022  
**PREPARED FOR:** Minister of Land, Water and Resource Stewardship  
**ISSUE:** BC Cumulative Effects Framework

### BACKGROUND:

- The outputs of the BC Cumulative Effects Framework (CEF) are foundational to Government's stewardship of natural resources. The CEF provides policy, procedures and guidance on how to apply CE information to planning and decision making. CE outputs provide a common understanding of value condition and trend in consideration of human and natural disturbances.
- The Province of British Columbia is committed to considering cumulative effects in natural resource decision-making, particularly in the follow-up to the Yahey court decision. Transparent reporting of cumulative effects assessment information and management considerations will enable coordinated, consistent management of cumulative effects across the natural resource sector.
- Cumulative effects assessments are a key interest and priority for Indigenous Stewardship Forums, to collaboratively build trusted data and assessments that will inform operational and strategic decision making. The Cumulative Effects Framework provides foundational information and support for those collaborations.
- CEF products are used to inform: (1) consultation with Indigenous Nations and impact assessment to Aboriginal rights and title; (2) modernized land use planning and forest landscape planning; (3) implementation of the provincial Old Growth Strategic Review recommendations; (4) environmental assessments for major projects; (5) natural resource authorizations, such as roads and forestry activities; (6) watershed security planning and fish habitat management; and (8) other strategic, tactical and operational natural resource management decisions.
- To date, current condition reports on various values have been published for seven of the eight Natural Resource Regions and several reports are nearing approval.

### DISCUSSION:

- The Cumulative Effects Framework Interim Policy is an NRS wide policy; all natural resource ministries have a role to play in the application of the Framework to the decisions they make on the land base. This requires up-to-date information, enabling updates to legislation and policy, and new ways of thinking about how Government plans and makes decisions on land-based developments.
- In 2015, the Office of the Auditor General completed an audit on "Managing Cumulative Effects of Natural Resource Development in BC", concluding that FLNRORD was not adequately addressing CE in decision-making and that the CEF was a much-needed step forward, but that there needed to be further clarity as to how government would use the framework in decision-making. Annual progress updates on CEF implementation are provided to the Public Accounts Committee.

- In the 2021 BC supreme court decision on *Yahey vs. BC*, Justice Burke found that “The Province has not implemented a fully functioning regime where cumulative effects in the Blueberry Claim Area and impacts on the exercise of treaty rights can be assessed and managed.” This decision has placed increased impetus to create CE information and make it available to decision-makers and their staff.
- Outputs of CEF Implementation to date include:
  - Assessments have been completed for the five provincial values. Reporting out on these assessments is ongoing, including online.
  - Regions are completing assessments on additional CE values specific to their areas and management issues, in some cases through related initiatives such as Collaborative Indigenous Stewardship Forums.
  - Overall, 21 CE reports have been published, covering 10 different values in 7 regions
  - Case studies are posted on the CEF website to demonstrate how CE has informed decision making across the natural resource agencies.
  - Policy, procedures, decision support tools and governance structures are in place.
  - Ongoing guidance is being provided to business areas on implementation of the policy and application of CE information.

Communicating information is part of the service delivery of the BC CEF. GBA+ principles were used in the development of the CEF Communications Plan by: identifying target partners/stakeholders, considering the approaches and effectiveness of communication methods, identifying if barriers to participation exist, and how overall outcomes will impact groups

## **INDIGENOUS PEOPLES:**

The Collaborative Indigenous Stewardship Forum (CISF) program has been intentionally paired with the BC Cumulative Effects Framework (CEF) in the structure of the Ministry of LWRS, recognizing government’s long-term vision for cumulative effects to be delivered collaboratively with Indigenous Nations. At the time of writing this Information Note, there are 15 Collaborative Indigenous Stewardship Forums (Forums) active in BC: 4 MaPP, 1 GBR, 4 ESI and 6 CSF Forums, with 124 Nations involved.

## NEXT STEPS

- Publish CE assessment results for all five provincial CE values (Grizzly Bear, Forest Biodiversity, Old Growth, Aquatic Ecosystems and Moose), using online reporting tools to communicate assessment results to users.
- Support Collaborative Indigenous Stewardship Forums (CISF) to develop CE assessment protocols and reports.
- Support regions to assess and report on the condition of regional CE values where a CISF is not yet in place.
- Work with decision support staff and their decision-makers across business areas to support inclusion of CE information in natural resource decisions within regions and province-wide.
- Support effective delivery of CE assessment results in support of modernized land use planning and forest landscape planning.

### PREPARED BY:

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## BRIEFING NOTE FOR INFORMATION

**DATE:** September 24, 2022  
**PREPARED FOR:** Minister Land, Water, and Resource Stewardship  
**ISSUE:** Indigenous Protected and Conserved Areas

### BACKGROUND:

- Indigenous Protected and Conserved Areas (IPCAs) are largely conservation-focused areas, but may include some industrial use, and identified by First Nations.
- IPCA concepts were first developed in 2018 by a national panel of Indigenous participants which was exploring a new approach to Indigenous-led conservation and stewardship in a manner that would contribute to Canada's terrestrial conservation target of 17% protection.
- The panel (Indigenous Circle of Experts or "ICE") expanded their work beyond just conserving protection, and their report of recommendations included broader Indigenous stewardship, planning, guardianship and other activities.
- There has been significant interest in B.C. from First Nations for IPCAs. Some interest was escalated when Canada offered funding for IPCA proposals that would result in new protected lands. Ultimately, few projects received funding when over 60 proposals were first submitted.
- There is significant variation among the IPCA proposals to date. Some are very protection-oriented while others have a mix of conserved lands and resource use. Some are focused on land while others have focus on governance and decision making.
- There is no single definition of an IPCA. This is because an IPCA is essentially a land use plan by the First Nation and each will be different among different Nations.
- Not all First Nations use or support the "IPCA" terminology. Both Canada and B.C. are moving to more generic terminology such as "Indigenous-led area based conservation".

### DISCUSSION:

The concept of an IPCA is not new in B.C. Historically, several First Nations have identified and declared areas within their territories as being protected and have asked the province to withdraw existing tenures or to not issue new tenures. Meares Island near Tofino is an example of this and was declared a Tribal Park by the Tla-o-qui-aht First Nation in the mid-1980s.

IPCAs generally (1) are Indigenous led; (2) represent a long-term commitment to conservation, and (3) provide opportunities to reconnect with the land and heal both the land and Indigenous Peoples.

BC views IPCA proposals as a positive indicator that a Nation has developed their land use vision for their territory. In developing their proposal, it usually indicates a Nation is ready to engage with B.C. on modernized land use planning. Resolving IPCAs within a land use context is best done under government-to-government modernized land use planning.

BC does not have a mandate to enter into new land use decisions as a result of IPCA proposals. As IPCAs can reflect a First Nation's land use vision, they can help identify land use conflicts and help set priorities where government-to-government land use planning can occur.

Engagement on IPCAs will be led by LWRS due to the relationship with modernized land use planning and to confirming social choice on the land base as well as a co-managed land and resource regime. Other Ministries in the natural resource sector will support this work (ENV, EMLI, MIRR, FOR).

The provincial government expects to see increased interest in Indigenous-led conservation, including proposals that will use "IPCA" language and proposals that will refer to other Indigenous-led conservation and stewardship. Factors for this include:

- Direct federal funding to BC First Nations to pursue IPCAs in their territories,
- Pressure from Canada for BC to adopt the new 25% and 30% protection targets,
- Nations who are seeking renewed land use plans with the province, and
- Nations who wish to exert and express more formally rights and title.

#### NEXT STEPS:

- B.C. supports the recommendations in the ICE report that encourages government-to-government engagement and meaningful discussions on the interests, values and opportunities a Nation's IPCA proposal contains.
- Modernized land use planning can be used to address IPCA interests when there is capacity and "readiness" to engage in joint planning.
- In some cases, direct action, evictions or blockades can occur which results in LWRS and MIRR staff working to de-escalate conflicts and encourage engagement.

#### PREPARED BY:

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#### REVIEWED BY:

|                  | Initials | Date         |
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## BRIEFING NOTE FOR INFORMATION

**DATE:** September 29, 2022  
**PREPARED FOR:** Minister Land, Water, and Resource Stewardship  
**ISSUE:** Modernized Land Use Planning

### BACKGROUND:

- BC has a history of land use planning that occurred largely between the early 1990s through mid-2000s. Land use plans, which set strategic direction for land use objectives, were developed for the vast majority of the province, but largely completed with limited or no First Nation engagement or support.
- In 2017, government committed to a reinvigorated modernized Land Use Planning (LUP) Program. Cabinet endorsed key principles for a modernized approach (Appendix 1) and Treasury Board provided resources of \$7.78M annually.
- In 2019 Cabinet endorsed a suite of projects including priority projects that could be initiated under the resourcing level, and a set of projects that could be initiated if new resources were found or transferred as other projects ended.

### DISCUSSION:

Drivers for land use planning include reconciliation, a strong sustainable economy, addressing cumulative effects, landscape level disturbance, water sustainability, climate impacts, and species at risk.

Land use planning is a foundational process for advancing reconciliation with First Nations, and has been supported by First Nation organizations (e.g. First Nation Leadership Council) and by Nations engaged in processes. Land use planning aims to achieve mutually agreeable strategic direction for land use, which in turns supports reducing time and resources in transactional management on permitting and facilitates co-management and joint decision making.

Experiences since 2019 is driving proposed improvements to the program. This includes improving relationship building with First Nations in the pre-planning phase, increased clarity on seeking government mandates for projects, improved information to support project decision points, expansion of the program to increase the amount of plans that can be supported, and improved governance to align other land planning programs (e.g. water sustainability planning, forest landscape planning).

### SUMMARY:

Land use planning remains a foundational program to advance reconciliation with First Nations, increase predictability for natural resource economies, and improve resource stewardship.

### Attachment(s):

- 2019 LUP Principles
- Table of current Modernized Land Use Plans and their Status



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## Appendix 1: 2019 LUP Principles

### Definition

#### What is land use planning?

Land use planning is led by the Province and Indigenous governments and engages communities (which include local government, industry, NGOs, stakeholders and the public) to develop sustainable land use direction for provincial public lands that guides resource stewardship and management.

### Principles

#### What principles will guide the development of a modernized land use planning approach?

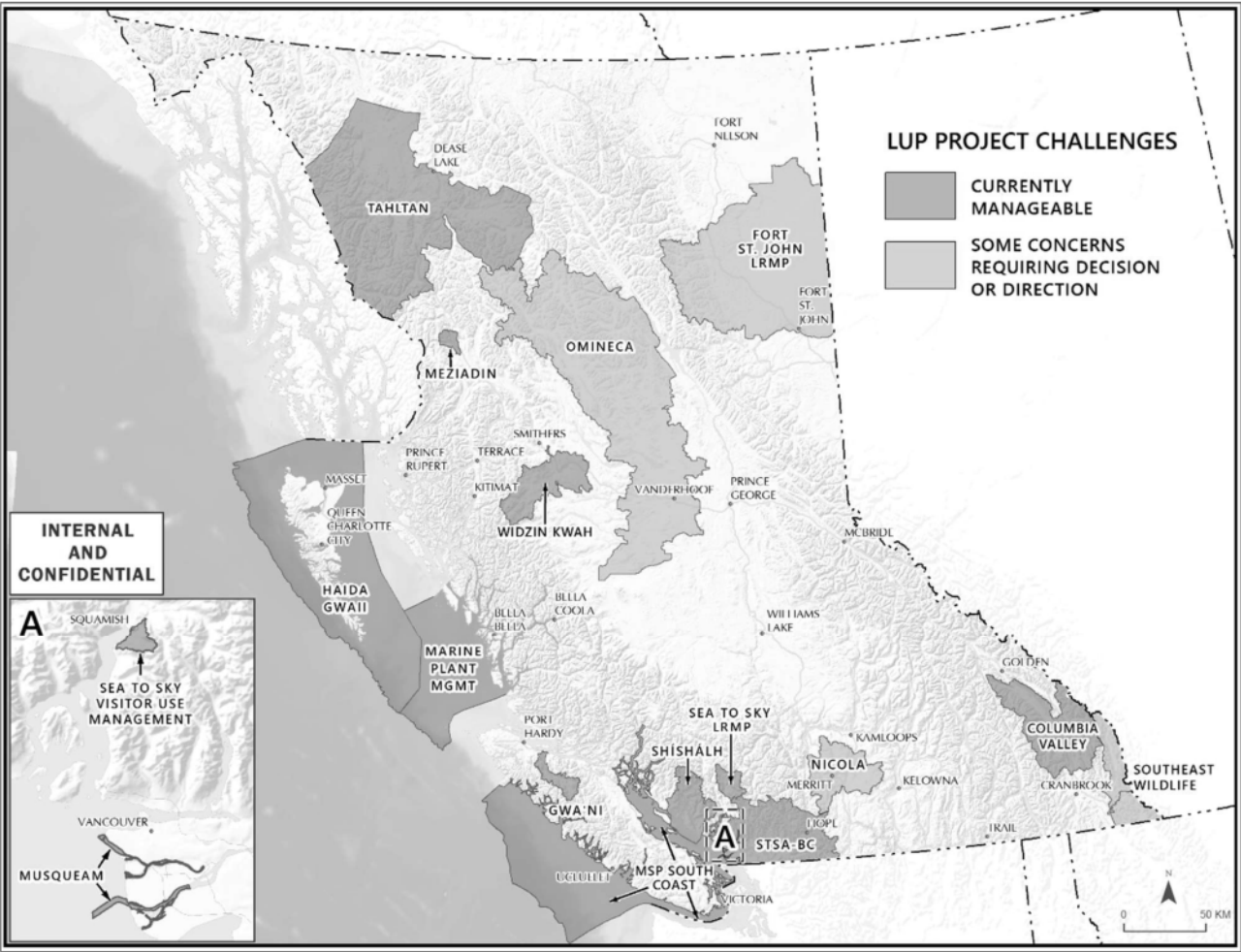
- Governments as partners: *Provincial and Indigenous governments partnering on developing land use vision, processes, and shared decisions.*
- Consistent with the provincial government's commitment to UNDRIP and UNDRIP principles of justice, democracy, respect for human rights, non-discrimination and good faith: *Land use planning will be developed between Indigenous governments and the Province, consistent with UNDRIP principles and S. 35 of the Constitution Act, 1982.*
- Meaningful input from communities (local government, industry, NGOs, stakeholders): *Although modernized land use planning embraces government-to-government collaborative consensus-seeking, direction will be based on meaningful input and consultation with communities including local government, industry, non-government organizations and stakeholders.*
- Recognizes shared accountability between governments of outcomes: *Collaborative consent between governments and agreements on land use direction also includes the shared accountability to implement and manage under this direction with each government implementing its respective authorities consistent with jointly approved land use direction.*
- Science-based information and oral/traditional knowledge working together: *Science based information and traditional knowledge will work together to inform land use direction.*
- Strategic government engagement: *Land use direction developed through strategic engagement between Indigenous and the provincial government can enhance efficiencies in consultation approaches currently in use.*
- Provides direction only on provincial Crown lands: *Land use planning will not encompass federal lands, or private land and will not duplicate municipal zoning.*
- Is consistent with existing provincial legislation: *Established provincial designations such as the agricultural land reserve will not be adjusted.*
- Scalable projects that meet a wide range of land use needs: *Ensuring land use planning will make for most efficient use of time and resources approaches and can be tailored and flexible to the specific issues of the region or First Nation including at the appropriate scale.*

- Responsive to current land use issues and drivers: *The decision to undertake a land use planning project will be assessed and based on scale, scope and implications of current and future issues and drivers.*
- A balanced approach: *The approach will be balanced ensuring the outcomes are based on a consideration of social, environmental, and economic objectives.*
- Coordination: *Other programs and initiatives that have significant strategic land use impacts will be coordinated as much as possible with land use planning (e.g., Species at Risk Recovery Planning).*

# Modernized Land Use Planning Tier 1 Project Dashboard: August 2022

For Internal Distribution Only

## Planning Phases:



Project Overview Table:

| Project Name and Status   | Director Lead                | First Nation Partner   | Project Phase                    | Upcoming Milestone   | Engagement Status   |
|---|------------------------------|--|----------------------------------|--|---|
| <u>Widzin Kwah Water Sustainability Project</u>   | Ryan Holmes                  | Office of the Wet’suwet’en   | Plan Development (Completed TOR) | Widzin Kwah Conceptual Model and Engagement Plan   | Key Stakeholder Engagement                                |
| <u>Tahltan-BC Land Use Planning Project</u>   | Ryan Holmes                  | Tahltan Central Government   | Plan Development (Completed TOR) | -Project work plan (July 2022)<br>-Land use planning mandate request (Fall/Winter 2022)  | Key Stakeholder Engagement on Shared Prosperity Agreement |
| <u>Fort St. John Land and Resource Management Plan Update Project</u>   | Darin Hancock & Shane Ford   | To be determined   | Project on Hold                  | -Terms of Reference (on hold)<br>-Draft Annotated Table of Contents (on hold)<br>-Conceptualizing Management Direction for Caribou (on hold) | Broad Stakeholder Engagement (on hold)                    |
| <u>Omineca Resource Management Planning Project</u>   | Jennifer Pollard             | Carrier Sekani First Nations (7 Nations) (Nadleh Whut’en, Stelat’en First Nation, Saik’uz First Nation, Takla Lake First Nation, Tl’azt’en Nation, Ts’il Kaz Koh, Nak’azdli Whut’en ) Tsay Keh Dene Nation | Plan Initiation                  | -Terms of Reference (Fall 2022)  | Key Stakeholder Engagement                                |
| <u>Gwa'ni Project</u>   | Arlette Malcolm & Matt Leroy | ’Namgis First Nation   | Plan Development (Completed TOR) | -Socio Economic and Environmental Assessment Base Case (Fall 2022)<br>-What We Heard Report (Spring 2022)                                    | Broad Stakeholder Engagement                              |
| <u>shishalh-BC Land Use Planning Project</u>  | Scott Barrett                | shishalh Nation  | Plan Development (Completed TOR) | -Approval of Data Sharing Agreement (July 2022)<br>-Review approval of updated LUP Work Plan (October 2022)                                  | Broad Stakeholder Engagement                              |
| <u>Marine Spatial Planning in the South Coast</u>   | Charlie Short                | Up to 49 First Nations pending discussions of geographic scope of with DFO and First Nations Fisheries Council   | Plan Initiation                  | -Tri-Lateral Letter of Understanding - <i>(Under development; anticipate signing in spring 2022)</i>   | Not Initiated   |
| <u>Ktunaxa-BC Land Stewardship Planning Project</u> <i>(formerly Southeast Wildlife Corridor Land Use Planning Project)</i> | Ray Morello                  | Ktunaxa Nation   | Plan Initiation                  | -Project Profile (August 2022)   | Not Initiated   |
| <u>Nicola Watershed Planning Project</u>  | Eric Valdal                  | Nicola Five Bands (2 Nations) (Lower Nicola, Upper Nicola, Coldwater, Shackan, Nooaitch)   | Plan Initiation                  | -Engagement Strategy and Plan Scope (Summer 2022)  | Not Initiated   |

July 2022



# North Area Projects

## Widzin Kwah Water Sustainability Project

|   |  |
|---|--|
| Project Phase: <b>Plan Development</b>  | Project Partners: <b>Office of the Wet'suwet'en</b>  |
| Challenges: <b>Currently Manageable</b>   | Engagement Status: <b>Key Stakeholder Engagement</b> |
| Partnership Agreement: <b>LUP Table Terms of Reference - Completed Fall 2020, Updated Summer 2022</b>   |  |
| <p><b>Key Highlights:</b></p> <ul style="list-style-type: none"><li>• LUP Table Terms of Reference (completed in 2020) amended and approved by table and signed by Minister Josie Osborne and Wet'suwet'en Executive Director.</li><li>• Widzin Kwah Conceptual Model completed in July 2022. A key milestone to initiate developing water objectives within the planning area.</li><li>• Collaboration on review of legal orders for the Morice LRMP plan area completed.</li><li>• Scoping WSA Objectives work plan underway. Regular check-ins with WSA Policy group and MAG for advice.</li><li>• Decision Note to be put forward confirming approval process for WSA Objectives with ADMs – estimated timeline September/October 2022</li><li>• Project website is public and expected to draw traffic as engagement launches in September 2022.</li><li>• Key stakeholder engagement initiated through the MOU Community Engagement Strategy stakeholder groups.</li></ul> <p><b>Budget Report:</b></p> <ul style="list-style-type: none"><li>• 2022/23 project spending plan confirmed. Awaiting allocation letter.</li><li>• Government Financial Information; Interests of an Indigenous People</li></ul> <p><b>Challenges:</b></p> <ul style="list-style-type: none"><li>• High public profile area, site of ongoing Wet'suwet'en opposition to CGL pipeline.</li><li>• Expected impacts to Timber Harvesting Land Base.</li><li>• Wet'suwet'en unity in progress (between Wet'suwet'en Hereditary Chiefs and Elected Bands).</li><li>• Managing progress dependencies on MOU and Governance Working Group (GWG).</li></ul> |  |

Tahltan—BC Land Use Plan Project

|   |   |
|---|---|
| Project Phase: <b>Plan Development</b>  | Project Partners: <b>Tahltan Central Government (TCG)</b>                                       |
| Challenges: <b>Currently Manageable</b>   | Engagement Status: <b>Key Stakeholder Engagement on Shared Prosperity Agreement Commitments</b> |
| Partnership Agreement: <b>LUP Terms of Reference - Completed January 2021</b>   |   |
| <p><b>Key Highlights:</b></p> <ul style="list-style-type: none"><li>• Scoping phase nearing completion and moving into plan preparation. Key elements of plan preparation phase will include formalizing planning approach including milestones, work plan, information governance, stakeholder engagement and frameworks for key plan elements.</li><li>• Recent direction from ADM’s to delay Tahltan LUP Environment Land Use Committee (ELUC) submission until September/October 2022 to allow further progress on Interim Measures (Iskut and Sheslay), mining permitting efficiency pilot and protected areas co-management discussions.</li><li>• Joint land use planning work paused (except for information sharing agreement and systems coordination) to allow Tahltan to focus on Interim Measures.</li><li>• Cabinet Confidences; Intergovernmental Communications</li><li>• Awaiting Tahltan feedback of draft joint 22/23 to 24/25 work plan. Internal work will be undertaken to develop BC’s preferred approach for cumulative effects, climate impact mitigation, zoning, and ecosystem-based management.</li><li>• TCG and TRT meeting planned for May did not occur. LWRS met with TRT on G2G basis in June including discussions on land use plan and Sheslay Interim Measure.</li><li>• Side Table meeting planned in early July to focus on Interim Measures for Sheslay, Dease Lake and Telegraph Creek.</li><li>• High-level update on status of LUP planned in upcoming Tahltan Reconciliation Interest Group meeting. LUP Stakeholder Advisory Group start-up deferred pending mandate approval.</li></ul> <p><b>Budget Report:</b></p> <ul style="list-style-type: none"><li>• 2022/23 project spending plan confirmed. Awaiting allocation letter.</li><li>• Government Financial Information; Intergovernmental Communications</li><li>• Cabinet Confidences; Intergovernmental Communications</li></ul> <p><b>Challenges:</b></p> <ul style="list-style-type: none"><li>• Cabinet Confidences; Intergovernmental Communications</li><li>• </li></ul> |   |

# Fort St. John Land and Resource Management Plan Update Project

|  |  |
|--|--|
| Project Phase: <b>Project on Hold</b>  | Project Partners: <b>To be determined</b>                        |
| Challenges: <b>Some concerns requiring decision or direction</b>   | Engagement Status: <b>Broad Stakeholder Engagement (on hold)</b> |
| Partnership Agreement: <b><i>Draft LUP Terms of Reference conversations on pause</i></b>   |  |
| <p><b>Key Highlights:</b></p> <ul style="list-style-type: none"> <li>Land use planning in the Northeast is paused as it is unclear how the Yahey v British Columbia decision (litigation decision) and negotiations with Blueberry River FN and the Pan Treaty 8 table will be reflected in the delivery of the planning project.</li> <li>Draft Terms of Reference (TOR) review process on pause as project team/province evaluate the litigation decision.</li> <li>Technical Planning Team (TPT) sessions on hold since December 2021.</li> <li>Planned public engagement on TOR and Engagement Strategy have been postponed in light of the litigation decision. Notice of postponement has been communicated to the public and stakeholders.</li> <li>Work on mandate request being evaluated in the context of litigation decision.</li> </ul> <p><b>Budget Report:</b></p> <ul style="list-style-type: none"> <li>No LUP program dollars are being requested until there is further clarity on land use planning in the Northeast.</li> </ul> <p><b>Challenges:</b></p> <ul style="list-style-type: none"> <li>The move of the LRMP team to the Ministry of Land, Water and Resource Stewardship could result in potential changes in how LRMP will advance in the Region.</li> <li>Alignment of related initiatives is becoming clearer, but uncertainty remains around timing and content of some major planning inputs (e.g. Methods Pilot information and Recommendations Report from the Regional Strategic Environmental Assessment table, Caribou Planning recommendations and Old Growth Report recommendations).</li> <li>Long-term support capacity funding for partner First Nations to actively work on land use planning throughout life of the project.</li> <li>Partners are varied in their level of readiness to embark on a modernizing land use planning process.</li> </ul> |  |

Omineca Resource Management Planning Project

|  |   |
|--|---|
| Project Phase: <b>Plan Initiation</b>  | Project Partners: <b>Carrier Sekani First Nations (7 Nations), Tsay Keh Dene Nation</b> |
| Challenges: <b>Some Concerns Requiring Decision or Direction</b>   | Engagement Status: <b>Key Stakeholder Engagement</b>                                    |
| Partnership Agreement: <b>Draft RMP Terms of Reference – Target Fall 2022 for completion</b>   |   |
| <p><b>Key Highlights:</b></p> <ul style="list-style-type: none"><li>• Preparing for Minister briefing to confirm planning mandate.</li><li>• Draft Terms of Reference between Carrier Sekani First Nation (CSFN) and BC.</li><li>• Implementation of apportionment and continued Immediate Measures negotiation/implementation with CSFN. Spatial harvest planning process occurring between CSFN and forest licensees,</li><li>• Advancing work on shared values assessments between BC and Tsay Keh Dene Nation.</li><li>• Continuing to build the Implications Framework that will include the Timber Supply Analysis and Social Cultural Environmental and Economic Assessment (SEEA) to aid decision-making during planning.</li><li>• Initiated informal scoping sessions with local government and existing forums (e.g. Fish and Wildlife Compensation Board). Pre-scoping will inform an approach to broader engagement.</li></ul> <p><b>Budget Report:</b></p> <ul style="list-style-type: none"><li>• 2022/23 project spending plan confirmed. Awaiting allocation letter.</li><li>• Government Financial Information; Intergovernmental Communications</li><li>• ESI funding will continue to support some of the data development and analysis components informing RMP.</li></ul> <p><b>Challenges:</b></p> <ul style="list-style-type: none"><li>• Intergovernmental Communications</li><li>• </li><li>• </li><li>• </li><li>• </li></ul> |   |

# Coast Area Projects

## Gwa'ni Project

|  |  |
|--|--|
| Project Phase: <b>Plan Development</b>   | Project Partners: <b>'Namgis First Nation</b>          |
| Challenges: <b>Currently Manageable</b>  | Engagement Status: <b>Broad Stakeholder Engagement</b> |
| Partnership Agreement: <b>LUP Memorandum of Understanding - Completed January 2021</b>   |  |
| <p><b>Key Highlights:</b></p> <ul style="list-style-type: none"><li>• Technical Committee is working on developing vision for Gwa'ni Project values – step 4 from the Gwa'ni Project Process diagram (Figure 1).</li><li>• Forest Landscape Plan (TFL 37) (FLP) is underway; 'Namgis &amp; WFP are starting to model tactics and conservation network that may inform revision of land use designations (zoning) at the MLUP. Technical Committees of both planning tables are meeting to find areas of concern, synergy and alignment between the two plans. Details of integration can be found in Integrated Process Diagram (Figure 2)</li><li>• The TC is also meeting with Subject matter experts in karst, wildlife, ecology, fisheries scoping out potential contract opportunities for support during development of alternate scenarios/objective writing.</li><li>• Climate Change model has been developed for the Project area so that outputs can be considered for Gwa'ni Project area.</li><li>• Technical Committee is engaging stakeholders through monthly emails and upcoming targeted focus engagement sessions for late September.</li><li>• Technical Committee is not proceeding with Phase 3 of the SEEA with EcoPlan (contractor); TC has entered into a new contract with Lions Gate Consulting Inc. to develop a framework/methodology, in preparation for the Effectiveness Evaluation of the New Plan and Comparison to the Base Case (Phase 3)</li><li>• Working with local BCTS staff to take a more active role at the Technical Committee.</li></ul> <p><b>Budget Report:</b></p> <ul style="list-style-type: none"><li>• Advice/Recommendations; Government Financial Information; Intergovernmental Communications</li><li>• Government Financial Information; Intergovernmental Communications</li></ul> <p><b>Challenges:</b></p> <ul style="list-style-type: none"><li>• Intergovernmental Communications</li><li>•</li><li>•</li></ul> |  |

shishalh—BC Land Use Planning Project

|   |  |
|---|--|
| Project Phase: <b>Plan Development</b>  | Project Partners: <b>shishalh Nation</b>               |
| Challenges: <b>Currently Manageable</b>   | Engagement Status: <b>Broad Stakeholder Engagement</b> |
| Partnership Agreement: <b>sN-BC LUP Table Terms of Reference – Completed August 2020</b>  |  |
| <b>Key Highlights:</b> <ul style="list-style-type: none"><li>• The shishalh-BC land use planning table (LUPT) has confirmed a list of 13 key planning sub-values for current condition and trends assessment.</li><li>• The LUPT has reviewed the existing current condition assessment protocols for the planning sub-values and will undertake the assessments in October.</li><li>• A shishalh-BC Data Sharing Agreement has been completed and signed-off by shishalh and BC.</li><li>• A shared file and data portal system (Sync) for the shishalh-BC LUP process has been developed and is now being implemented.</li><li>• All baseline projects have now been completed except for some minor deliverables.</li><li>• Collaboration with the Climate Informed Conservation Planning Project is ongoing and outputs will be further discussed/tailored this fall for consideration in the LUP process.</li><li>• Pre-engagement planning is beginning for the next phase of public engagement on current condition assessments for key planning sub-values.</li></ul> <b>Budget Report:</b> <ul style="list-style-type: none"><li>• Government Financial Information</li><li>• Government Financial Information; Intergovernmental Communications</li></ul> <b>Challenges:</b> <ul style="list-style-type: none"><li>• Intergovernmental Communications</li><li>•</li><li>•</li><li>•</li><li>•</li><li>•</li></ul> |  |

Marine Spatial Planning in the South Coast

|  |  |
|--|--|
| Project Phase: <b>Plan Initiation</b>  | Project Partners: <b>Up to 49 First Nations pending discussions of geographic scope of with DFO and First Nations Fisheries Council (FNFC)</b> |
| Challenges: <b>Currently Manageable</b>  | Engagement Status: <b>Not Initiated</b>  |
| Partnership Agreement: <b>Draft Tri-Lateral Letter of Understanding - <i>(Under development; anticipate signing in Spring 2022)</i></b>  |  |
| <p><b>Key Highlights:</b></p> <ul style="list-style-type: none"><li>• In August 2022, FLNRO, DFO, and FNFC completed their internal review and signed a Letter of Understanding (LOU) that outlines respective roles and responsibilities and principles for collaboration.</li><li>• Framework Table of Contents is under development with input from Indigenous partners. When completed, the planning framework will outline the key components, steps, and governance considerations recommended for formal marine planning, anticipated to commence in 2023.</li><li>• A detailed workplan outlines tasks and responsibilities for delivering the Southern BC Marine Spatial Planning Program (MSP) foundational planning elements including a Marine Atlas and governance options by March 2023.</li><li>• A draft of a baseline economic impacts assessment of marine based activities is complete. Work continues on the marine plant harvest report supported by MLUP funding.</li></ul> <p><b>Budget Report:</b></p> <ul style="list-style-type: none"><li>• 2022/23 project spending plan confirmed. Awaiting allocation letter.</li></ul> <p><b>Challenges:</b></p> <ul style="list-style-type: none"><li>• Intergovernmental Communications</li><li>• </li><li>• </li><li>• </li><li>• </li></ul> |  |

# South Area Projects

Ktunaxa-BC Land Stewardship Planning Project (Formerly the Southeast Wildlife Corridor Land Use Planning Project)

|   |  |
|---|--|
| Project Phase: <b>Plan Initiation</b>   | Project Partners: <b>Ktunaxa Nation</b>  |
| Challenges: <b>Some concerns requiring decision or direction</b>  | Engagement Status: <b>External Engagement not initiated. Internal Engagement w/in BC has begun</b> |
| Partnership Agreement: <b>Draft LUP Project Profile– August 2022 for completion</b>   |  |
| <b>Key Highlights:</b> <ul style="list-style-type: none"><li>• Endorsement process underway for Ktunaxa-BC Land Stewardship Planning (LSP) Project Profile. BC internal review process near completion involving South Area Executive Director and PSSP Branch Executive Director, LUPPE ADM, other key agencies/ADMs and regional management in June/July 2022.</li><li>• Scoping of a draft written agreement with Ktunaxa to secure a longer-term planning partnership, including potential preconditions (i.e. immediate actions, interim protection measures) that Ktunaxa Nation Council (KNC) and BC may mutually determine reasonable.</li><li>• Draft Terms of Reference for Land Stewardship Planning Forum.</li><li>• Draft Table of Contents Template for initial planning area of Qukin ʔamakʔis (Elk Valley) &amp; Łamna ʔamakʔis (Flathead Valley).</li><li>• Planning team is reviewing the precise planning area boundary for the Elk Valley and Flathead Valley.</li><li>• Internal and external stakeholder engagement planning underway.</li></ul> <b>Budget Report:</b> <ul style="list-style-type: none"><li>• 2022/23 project spending plan confirmed. Awaiting allocation letter.</li><li>• Government Financial Information; Intergovernmental Communications</li></ul> <b>Challenges:</b> <ul style="list-style-type: none"><li>• Intergovernmental Communications</li><li>• </li><li>• </li><li>• </li></ul> |  |

July 2022



Nicola Watershed Planning Project

|  |   |
|--|---|
| Project Phase: <b>Plan Initiation</b>  | Project Partners: <b>Nicola Five Bands (2 Nations)</b><br><b>(Lower Nicola, Upper Nicola, Coldwater, Shackan, Nooaitch)</b> |
| Challenges: <b>Some concerns requiring decision or direction</b>   | Engagement Status: <b>Not Initiated</b>   |
| Partnership Agreement: <b>Terms of Reference – <i>Complete January 2022</i> and Upper Nicola Watershed Plan (Pilot workplan) - <i>Completed 2019</i></b>   |   |
| <p><b>Key Highlights:</b></p> <ul style="list-style-type: none"><li>• The MOU Forum supports to broaden the planning project to the whole Nicola watershed (originally endorsed by Cabinet) - 2019.</li><li>• Terms of Reference for the Nicola watershed planning table completed in January 2022. Project nearing plan development phase.</li><li>• The Nicola watershed planning table meets monthly or as needed.</li></ul> <p><b>Budget Report:</b></p> <ul style="list-style-type: none"><li>• 2022/23 project spending plan confirmed. Awaiting allocation letter.</li></ul> <p><b>Challenges:</b></p> <ul style="list-style-type: none"><li>• Intergovernmental Communications</li><li>• </li><li>• </li></ul> |   |

**For more information:**

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July 2022

## BRIEFING NOTE FOR INFORMATION

**DATE:** September 22, 2022

**PREPARED FOR:** Minister of Land, Water and Resource Stewardship

**ISSUE:** Old Growth Strategic Review Recommendation #2 on prioritizing ecosystem health and biodiversity in British Columbia

### BACKGROUND:

- Government has endorsed all 14 recommendations in the Old Growth Strategic Review (OGSR) Report “*A New Future for Old Forests*”.
- OGSR Recommendation #2 (OG2) is to “*Declare the conservation and management of ecosystem health and biodiversity of British Columbia’s forests as an overarching priority and enact legislation that legally establishes this priority for all sectors*”. The report recognizes that conserving and managing ecosystem health will be a cornerstone of the Province’s biodiversity conservation strategy.
- The OGSR recommendations are categorized into three broad categories, operational, transitional and transformational. OG2 is considered transformational and will act as a catalyst for change and is foundational to all other OGSR recommendations.
- The Ministry of Land, Water and Resource Stewardship (LWRS) is responsible for OG2 with most other recommendations falling under the Ministry of Forests’ responsibilities.
- An overall OGSR engagement strategy is in development. Engagement is planned to begin in Fall 2022. A road map to the end of calendar 2023 is included as Attachment 1.

### DISCUSSION:

Successful implementation of OG2 requires working in partnership with Indigenous peoples, as well as engagement with stakeholders and local governments (i.e., industry, Environmental Non-Government Organizations -ENGOS, local communities, and the public). Extensive engagement on stewardship initiatives with Indigenous peoples and stakeholders has already occurred through various initiatives including Together for Wildlife (which included bundled engagement on Species at Risk), Modernized Land Use Planning, Forest and Range Practice Act renewal, and OG2 will build on this work.

Advice/Recommendations

To deliver on OG2, the project team is developing an engagement pathway with the broader OGSR recommendations team, and will require some additional targeted engagement sessions, as OG2 is foundational to all other recommendations and will support a coordinated and comprehensive

approach to align and strengthen existing government initiatives (e.g., CleanBC, Together for Wildlife, Modernized Land Use Planning, etc.). OG2 can support many of LWRS's mandate commitments including working with partners to protect species at risk and working collaboratively with other ministries to protect and enhance British Columbia's (B.C.) biodiversity.

While OG2 was developed as part of a review of old growth forest management, the recommendation is not limited to just old forest ecosystems. Every land-based sector will be affected by the prioritization of ecosystem health. The implementation advice for OG2 includes making a commitment to align all land-related provincial legislation, which will need inter-agency engagement, collaboration and co-operation. Engagement with Natural Resource Sector (NRS) ministries in a change management process will be critical for successful implementation of OG2.

### INDIGENOUS PEOPLES:

LWRS has a mandate to develop a co-managed land and resource management regime in partnership with Indigenous peoples. Prioritizing ecosystem health and biodiversity will fundamentally affect land, water, and resource stewardship, so OG2 must be co-developed with Indigenous nations. Focusing on trust and relationship building will be integral to success.

Prioritizing the protection of biodiversity and ecosystem health aligns with Indigenous worldviews and is expressed in various Indigenous knowledge systems, laws and traditions and remains a key point of interest of Indigenous peoples.

### SUMMARY:

Advice/Recommendations

Success with this initiative will bring more predictability to the land base, will help the new LWRS ministry to achieve its mandate, and is aligned with the Province's commitments to reconciliation, protecting B.C.'s environment, and building a strong economic recovery.

**Attachment(s):** Attachment 1. OG2 Pathway to 2023

#### PREPARED BY:

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#### REVIEWED BY:

|                  | Initials | Date         |
|------------------|----------|--------------|
| DM               | LH       | Oct 18, 2022 |
| ADM              |          |              |
| Program Dir/Mgr. |          |              |

## BRIEFING NOTE FOR INFORMATION

**DATE:** September 24, 2022

**PREPARED FOR:** Minister of Land, Water and Resource Stewardship

**ISSUE:** Old Growth Strategic Review Recommendation #4 on a more inclusive and stabilizing approach to governance.

### BACKGROUND:

- Government has endorsed all 14 recommendations in the Old Growth Strategic Review (OGSR) Report “*A New Future for Old Forests*”.
- OGSR Recommendation #4 is to “*Adopt a more inclusive and stable governance model that gives local communities and stakeholders a greater role in forest management decisions that affect them.*”. The report states that British Columbia needs a forest management governance system that is more inclusive and grounded in the long-term vision of local communities to create strategies that are more consistent with long-term ecosystem timeframes.
- The OGSR recommendations are categorized into three broad categories, operational, transitional and transformational. Recommendation 4 is considered transformational in that it provides a much more inclusive and community supported approach to decision-making.
- The Ministry of Land, Water and Resource Stewardship (LWRS) is responsible for Recommendation 4 with most other recommendations falling under the Ministry of Forests’ responsibilities. The ministries are working very closely together to ensure all the old growth work is highly aligned and seamless.
- An overall OGSR engagement strategy has been developed by Ministry of Forests with the objective of developing an old growth action plan by Fall, 2023. However, addressing recommendation 4 will potentially require the development of earlier products, such as a principled-based framework for more inclusive governance. Engagement on recommendation 4 will align with the broader engagement approach but will be augmented as needed to ensure the delivery of a framework earlier in the process.

### DISCUSSION:

Recommendation 4 was identified by the report authors as a means towards connecting longer-term vision of local communities with longer-term ecosystem objectives. It serves several benefits:

- Provides stability through longer-term visions that can be more resilient to program or political changes.
- Retains more information and knowledge at the community level and provides opportunity to retain and pass on knowledge locally.
- Local interests can be better translated to public policy, and
- Local and community engagement can improve public trust.

A key challenge with recommendation 4 was that it was developed specifically for forest management but provides some indication that local governance may need to include other sectors such as mining, oil and gas, tourism, highways etc. While recommendation 4 suggests local Forest Boards are

established, the province will need to consider if local boards need to be more wholistic for natural resource management in general.

There currently are programs that engage more locally including wildlife advisory boards. To avoid “engagement fatigue”, streamlining local governance will be needed to ensure efficient and effective models can be developed.

The purpose of recommendation 4 is to increase local participation and engagement in the decision-making process. It is not intended to transfer decision-making to local boards.

Successful implementation of recommendation 4 requires working in partnership with Indigenous peoples, as well as engagement with stakeholders and local governments (i.e., industry, Environmental Non-Government Organizations (ENGOS), local communities, and the public).

#### **INDIGENOUS PEOPLES:**

LWRS has a mandate to “develop a path forward with First Nations to build a co-managed land and resource management regime that will ensure natural resources are managed effectively now and in the future” as well a mandate to work with Ministry of Forests to implement the recommendations.

Developing a framework for a more inclusive and stable governance model for local communities and stakeholders will need to occur within the broader framework of provincial-Indigenous co-management and joint decision-making.

#### **SUMMARY:**

Recommendation 4 is part of the 14 recommendations in the Old Growth Strategic Review that have been endorsed by government. LWRS will work closely with Ministry of Forests during the upcoming engagement processes to explore ideas for developing a governance framework. A set of principles for governance will be an early deliverable under this process.

#### **PREPARED BY:**

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250-888-0620

#### **REVIEWED BY:**

|                  | Initials | Date         |
|------------------|----------|--------------|
| DM               | LH       | Oct 19, 2022 |
| ADM              |          |              |
| Program Dir/Mgr. |          |              |

## BRIEFING NOTE FOR INFORMATION

**DATE:** September 29, 2022  
**PREPARED FOR:** Minister of Land Water and Resource Stewardship  
**ISSUE:** Species at Risk Recovery

### BACKGROUND:

- B.C.'s complex geology and climate systems have shaped the most numerous, unique, and diverse group of species in Canada.
- Globally, biodiversity is in decline with an estimated 60% decline in populations of vertebrate species. While the state of biodiversity in B.C. is likely better than many jurisdictions, B.C. is increasingly seen as a last refuge for many North American species and is facing pressures internationally to achieve conservation outcomes.
- Currently, 231 species in BC are listed under the federal SARA, 64 of which have legally identified critical habitat (approximately 28 million hectares) set out in the federal recovery strategies.
- Declines in biodiversity are primarily due to 5 main threats: climate change; habitat loss or alteration; invasive species; overexploitation; and pollution. Solutions to these declines are complex with a multitude of inter-connected threats and interactions that involve complicated environmental, social, and economic trade-offs. If not effectively managed, loss of biodiversity can create significant barriers to achieving socio-economic objectives.
- The federal government is responsible for the *Species at Risk Act* (SARA) which includes multiple policy tools and provides scientific expertise and funding for conservation actions. SARA falls under the Minister of Environment and Climate Change Canada (ECCC).
- SARA is "safety net" legislation that includes two Order provisions that can impose habitat protection requirements on provincial lands, and which can effectively override the province's authority for those lands (provincial, municipal, or private).
  - If a species is listed as Threatened, Endangered, or Extirpated the federal Minister must prepare a recovery strategy that includes the identification of Critical Habitat (CH). Once identified, CH must be legally protected within 180 days on federal lands. On non-federal lands, the Minister must make a recommendation on whether the laws of the province effectively protect CH and if not, recommend a habitat protection order (SARA s.61).
  - If the federal Minister is of the opinion that a species faces imminent threat to its survival or recovery, the Minister must recommend an Emergency Protection Order (SARA s.80) which identifies CH and includes provisions prohibiting activities that adversely affect the species and that CH.

- There is no ability within SARA for the federal Minister to consider social or economic impacts that may result from recommendations for the protection of CH. Recommendations by the federal Minister under SARA are provided to the federal cabinet where social economic considerations may be considered.
- The interpretation of threats to recovery and habitat requirements are set by ECCC and in many cases do not reflect provincial expert opinion.
- SARA has been used several times by conservation organizations to submit legal petitions demanding that the federal minister direct further legal habitat protections based on identified critical habitat (for example Southern Mountain Caribou, Spotted Owl, Marbled Murrelet).
- The Provincial species at risk recovery framework involves multiple ministries that sometimes can have overlapping mandates and competing objectives. Conservation actions are guided by numerous statutes and non-regulatory tools resulting in a fragmented approach with varying levels of conservation and a high level of uncertainty for stakeholders. This uncertainty has led to the federal Minister being unable to confirm that provincial strategies are adequately meeting the requirements of SARA.
- There are various ongoing Provincial initiatives seeking to improve conservation outcomes, including: the update of existing conservation policies, amendments to various related statutes (e.g., *Wildlife Act* review), the modernization of land use planning and policy, and working with the federal government on the Canada-BC Nature Agreement, which will support SARA modernization and better align federal and provincial interests and advance positive conservation outcomes. Advancing a declaration on prioritizing ecosystem health and biodiversity, supported by enacting legislation, will strengthen a proactive approach and further reduce the dependency on species-by-species recovery.<sup>Advice/Recommendations</sup>
- The conservation of biodiversity is also a priority for Indigenous Nations, as noted through numerous ongoing Government-to-Government dialogues. Biodiversity has intrinsic cultural and ceremonial value to Indigenous Peoples, and they have voiced concerns over the current approach to managing biodiversity in B.C. and expressed a strong interest in shared conservation decision-making.

## DISCUSSION:

The current management framework in B.C. has limitations and actions are sometimes reactive, uncoordinated, and not implemented in time to limit impacts to biodiversity. An ineffective approach to environmental conservation outcomes can lead in turn to increased uncertainty and unintended social, and economic impacts, and federal intervention under SARA. More proactive and coordinated conservation actions, that limit species declines early, are usually less costly than the more intensive recovery actions required once a species has declined to the level of being listed as a species at risk.

## Advice/Recommendations

There is an opportunity for B.C. to take a greater, more proactive leadership role in conservation and limit federal intervention in provincial jurisdiction. Asserting a greater provincial leadership role would provide B.C. the opportunity to take proactive and effective conservation measures that consider associated environmental, social, and economic trade-offs, is ecosystem-health based, and will reduce the reliance on species-by-species recovery. This opportunity would need to be developed in partnership with the federal government. The province is working with federal colleagues to better align policies for the protection of SAR while maintain provincial jurisdiction. BC had identified this as part of the Nature Agreement priorities and <sup>Cabinet Confidences</sup>

Cabinet Confidences

**MINISTRY RESPONSE:**

- LWRS has the primary role to coordinate provincial Species at Risk (SAR) management and support the Implementation of Recovery Actions for SAR.
- LWRS works collaboratively with ministry regions and divisions, Indigenous groups, Ministry of Environment and Climate Change Strategy, Ministry of Energy, Mines and Low Carbon Innovation, Ministry of Forests and federal counterparts in Environment and Climate Change



Canada (ECCC), Parks Canada and Department of Fisheries and Oceans to establish consistent and effective management actions for SAR.

- The province is working to create a more proactive regime to improve ecosystem health and biodiversity and continues to support, implement and improve recovery actions for SAR in collaboration with First Nations. Our approach begins with setting objectives, including sustainable population recovery goals SAR, and considers environmental, cultural, social, and economic values of the province.
- The province is working with ECCC on pilot projects to help inform how the federal SARA may be modernized.

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## BRIEFING NOTE FOR INFORMATION

**DATE:** September 29, 2022  
**PREPARED FOR:** Minister of Land Water and Resource Stewardship  
**ISSUE:** Spotted Owl recovery planning

### BACKGROUND:

- The Spotted Owl subspecies is listed as Endangered under the federal *Species at Risk Act* (SARA) and under the *Forest and Range Practices Act* (FRPA). Land, Water and Resource Stewardship leads the management and recovery of the Spotted Owl in Canada.
- A recovery strategy, led by BC and developed by the Canadian Spotted Owl Recovery Team, was adopted by the federal government in 2006. The Recovery Strategy identified several threats to Spotted Owl including loss and fragmentation of suitable habitat, competition from Barred Owls, climate change, noise disturbance, and the extremely low population (22 owls in 2006). The Recovery Strategy prioritized several specific measures to support recovery, including habitat protection and a captive breeding program to address the risks of a very low population. The recovery strategy did not include a complete identification of critical habitat.
- Based on the Recovery Strategy, BC has put in place over 281,000 ha of legally protected Spotted Owl habitat; enough to support a long-term population target of 125 breeding pairs. In 2007, BC also initiated the first ever Spotted Owl captive breeding and release program. There are currently 31 owls in the program. None have been released yet, however staff had been planning for the first release this coming June.
- BC's known wild population has declined to three owls (one pair at Spuzzum and one male at Utzlius). All are nesting within established wildlife habitat areas (WHAs). The decline in population is in part due to the Captive Breeding Program extracting owls from the wild.
- In October 2020, Ecojustice petitioned Environment Climate Change Canada (ECCC) to apply an emergency habitat protection order under section 80 of the SARR to areas surrounding the Spuzzum and Utzlius WHA's. Ecojustice petitioned that even with the established WHAs, threats from noise disturbance and vehicle traffic from timber harvesting activities outside of the WHAs presented a threat to recovery. ECCC's analysis found that the Ecojustice petition was sound and that an emergency habitat protection was warranted.
- In February 2021, the Province applied a temporary harvest deferral in the Spuzzum and Utzlius watersheds in order to prevent the Minister of Environment Climate Change Canada from recommending an emergency habitat protection order to the federal Cabinet. The deferrals were put in place for one year in areas surrounding the established WHAs. Cabinet  
Confidences

### DISCUSSION:

The federal SARA is "safety net" legislation that requires the assessment of the status of species. If the federal Minister is of the opinion that a species faces an "imminent threat" to its survival or recovery, the Minister must:

- prepare a recovery strategy that includes the identification of critical habitat; and
- make a recommendation to provide for the protection of the species.

There is currently no ability within SARA for the federal Minister to consider social or economic impacts that may result from recommendations for the protection of species. As well the interpretation of threats to recovery and habitat requirements are set by ECCC and in many cases do not reflect provincial expert opinion. Recommendations by the federal Minister under SARA are provided to the federal Cabinet where social economic impacts and other provincial perspectives may be considered. Once a Recovery Strategy has been published with identified habitat, BC is at risk of an emergency habitat protection order in cases where there is a lack of protections for the identified critical habitat.

Part of the discussion with ECCC on the implementation of the deferrals in Spuzzum and Utzlius was to provide time for BC and Canada to complete an updated Recovery Strategy that includes critical habitat. Over the past year, staff have collaborated with ECCC to use and adaptive habitat management approach that would allow for habitat conservation areas to be adjusted based on the release of captive bred owls

This summer, the first 3 captive-born Spotted Owls were released into the wild. This pilot release is a monumental first step towards the recovery of Spotted Owls in British Columbia and would not have been possible without a successful breeding program. The release was also supported by the partnership of Spuzzum First Nation. Spuzzum First Nations are deeply connected to Spotted Owls and many of the owls in the breeding centre came from Spuzzum traditional territory.

Advice/Recommendations; Intergovernmental Communications

Ecojustice has recently threatened to take legal action under SARA to compel Environment Climate Change Canada to protect all suitable spotted owl habitat.

## MINISTRY RESPONSE:

- Continued collaboration with First Nations will be needed to support the reintroduction of Spotted Owls in BC.
- As owls are released BC will adjust habitat conservation measures to support recovery objectives.
- No net increase in habitat conservation is expected.

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## BRIEFING NOTE FOR INFORMATION

**DATE:** September 29, 2022

**PREPARED FOR:** Minister of Land Water and Resource Stewardship

**ISSUE:** Together For Wildlife and the Minister's Wildlife Advisory Council

### BACKGROUND:

- The Together For Wildlife Strategy (the Strategy) is the result of comprehensive discussions with over 120 Indigenous communities and 60 stakeholder groups, as well as more than 1400 comments received from members of the public. Collectively, this represents input from rural communities, academic institutions and a wide range of resource industry, conservation, hunter, trapper, guide, recreation and tourism stakeholder organizations.
- A Minister's Wildlife Advisory Council (MWAC) was announced in August 2020 to advise on implementation of the Strategy. The MWAC's first meeting occurred in September 2020. MWAC is expected to advise on funding priorities for wildlife and habitat stewardship initiatives across BC.
- Ministry staff worked closely with Indigenous Peoples to develop and now implement the Strategy through the First Nations-BC Wildlife and Habitat Conservation Forum. The Forum was established in December 2018 as an innovative way to obtain perspectives from First Nations across British Columbia on wildlife stewardship issues. The Forum is comprised of participants from over 40 BC First Nations.
- Implementation highlights for the Strategy to date include:
  - Establishment of the Minister's Wildlife Advisory Council. The Council has formed working groups on priority topics, begun to develop work plans and presented initial recommendations to the government.
  - Continued collaboration with the First Nations Wildlife Forum to implement reconciliation (Goal 5) actions in the Strategy.
  - Over 120 projects have been funded across the province to improve wildlife and habitat stewardship, including wildlife monitoring and inventory, citizen science, habitat restoration, highway mortality mitigation, access management, wildlife management planning, disease mitigation, and reducing wildlife-human conflicts.
  - Created a new T4W website and begun to modernize all wildlife and habitat web materials.
  - Continued improvements to data systems have been made for wildlife and habitat information, to ensure these data are available to all British Columbians.
  - Assessed the effectiveness of designations established under provincial legislation to support wildlife and habitat conservation, to inform staff, decision makers, First Nations, and stakeholders about current disturbances and the condition of these designations and surrounding landscapes.
  - Supported Conservation Land management planning and on-the-ground stewardship across BC and strengthened partnerships with land trust organizations.

## DISCUSSION:

To support delivery of the Strategy, \$10M annually was committed on an on-going basis. In spite of this funding commitment some stakeholders continue to express concern on funding to support wildlife and habitat conservation. The BC Wildlife Federation and the Guide Outfitters Association have asked for investment to be tied to revenue from hunting licenses.

In BC, \$8M to \$10M in annual hunting licence and species licence revenues are allocated to general revenues, the surcharge revenue of approximately \$2.6M is dedicated to Habitat Conservation Trust Fund (HCTF). HCTF's mandate is to improve conservation outcomes for BC's fish and wildlife and their habitats beyond the government program requirements (e.g. habitat enhancement). Revenues from compatible activities authorized on Conservation Lands are also dedicated to HCTF

In the past FOR has spent approximately \$33M from base programs for wildlife and habitat (e.g. staffing, inventory, monitoring, service delivery, wildlife health, policy and legislation, engagement). This amount also includes base transfers from other funds dedicated to wildlife, habitat, and ecosystems.

The Directors Report on the implementation of the Together for Wildlife Strategy was released in February 2022. The Report provides greater transparency on investments and progress on actions. With the support of the Minister's Wildlife Advisory Council, the ministry will continue to explore options for sufficient and dedicated funding for wildlife.

## MINISTRY RESPONSE:

- In August 2020, the Together for Wildlife Strategy was released, following 21 months of engagement with British Columbians.
- The Strategy sets BC on a path to achieve our vision: Wildlife and their habitats thrive, are resilient, and support and enrich the lives of all British Columbians.
- Our government is committed to implementing the 5 goals and 24 actions in the T4W Strategy.
- In August 2020, former Minister Doug Donaldson appointed 18 members to the Minister's Wildlife Advisory Council (the Council). The Council will provide independent advice and support on strategic issues and priorities, with a core role being oversight of the Strategy implementation.

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## BRIEFING NOTE FOR INFORMATION

**DATE:** October 3, 2022  
**PREPARED FOR:** The Minister of Land, Water and Resource Stewardship  
**ISSUE:** Watershed Security Strategy and Fund

### BACKGROUND:

- The Watershed Security Strategy and Fund (Strategy/Fund) are a mandate commitment for the Minister of Land, Water and Resource Stewardship.
  - The Strategy and Fund will address watershed security through action in several key areas, including drinking water, ecosystems, funding and economic recovery, education and outreach, and coordinating these efforts through new local watershed governance approaches that integrate local values in decision making.
  - Drought, flood, climate change, urban development and industrial demand for water are key watershed issues driving development of the Strategy.
  - A broad range of funding mechanisms will be evaluated including water rental revenues, taxation, cost sharing with Canada, endowments, among others.
- Developing the Strategy and Fund is of significant interest to many First Nations because of their relationships with water. It is an opportunity to advance reconciliation through new partnerships with First Nations that support shared interests and goals for water.
- Multiple pathways to participate in the development of the Strategy have been developed, with the goal of building enduring, collaborative relationships around provincial-level water policy and legislation, consistent with BC's commitment to the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and the *Declaration Act* (DRIPA).
- Between January 25 and March 18, 2022, government engaged British Columbians on a Discussion Paper that outlined the opportunities for a possible Strategy. More than 1,600 submissions from the public, stakeholders, and other levels of governments (including local government and First Nations) were submitted for consideration.
- Government continues to collaborate internally and engage with local and federal governments, environmental non-government organizations, industry and business groups, the agricultural sector, and other external stakeholders as the Strategy and Fund develop.
  - Local government and the agriculture sector have expressed how critical watershed security is for the long-term health of their communities and for food security for British Columbia (BC).
- There is a broad range of related work underway across government to align and coordinate with related mandates, including, but not limited to:
  - Source to Tap Strategy;
  - Coastal Marine Strategy;
  - Wild Salmon Strategy (already in action);
  - Climate Preparedness and Adaptation Strategy;
  - Together for Wildlife; and,
  - Economic recovery initiatives.

### DISCUSSION:

The resiliency of BC's watersheds is declining owing to the cumulative effects of development, unsustainable land use practices, invasive species, and population growth. As a result, some

watersheds will be unable to adapt to climate change, making ecosystems, species, and communities more vulnerable to acute disasters.

A Watershed Security Strategy and Fund can support the shifts needed to create a future for BC where healthy watersheds are at the forefront of climate resiliency and the foundation of all social, environmental, and economic systems. Healthy watersheds are central to reconciliation with Indigenous Peoples.

The Provincial Government is committed, through the DRIPA Action Plan, to co-development of the Watershed Security Strategy with Indigenous peoples. A BC-First Nations Water Table has been established to discuss provincial scale water policy and focus on the co-development of the eventual Watershed Security Strategy and Fund. Determining what co-development may look like is still evolving and an active conversation.

The Ministry of Land, Water and Resource Stewardship (LWRS) has completed a first period of engagement on a Discussion Paper and a What We Heard report will be released late this fall. A next round of engagement on an Intentions Paper is planned for Winter 2022/23, pending approval from Cabinet. Elements of the Intentions Paper will be co-developed with First Nations through ongoing discussions at the Water Table, dialogue with the Modern Treaty Nations and Metis Nation BC, ongoing one-on-one conversations with First Nations, and informed by engagement completed earlier in 2022. Feedback on the Intentions Paper will inform the eventual Strategy itself.

#### **INDIGENOUS PEOPLES:**

To date, the Province has taken a “multiple pathways” approach to foster early and sustained dialogue with Indigenous Peoples that will continue into implementation. The Province is working with Modern Treaty Nations, First Nations, Métis Nation of BC, and Indigenous organizations to establish enduring, unique, and parallel collaborative processes that reflect their distinct rights, histories, and interests. Additionally, an enduring BC-First Nations Water Table – comprised of delegates from the Province and First Nations – has been established. The Minister of LWRS will work directly with Chief Lydia Hwitsum as part of the Water Table process. This is an important milestone in the co-development process. It is an opportunity for reconciliation and UNDRIP implementation and is intended to address watershed security issues of shared concern. The Water Table will also focus on shared reconciliation objectives including shared decision making and Indigenous self-determination.

#### **SUMMARY:**

LWRS leads the development of the Watershed Security Strategy and Fund through the Water Protection and Sustainability Branch. As part of this work, the ministry coordinates with other ministries who have interests in and play a role in water and watershed management in BC. The Minister of LWRS is responsible for engaging other Ministers on development of the Strategy, working with First Nations on co-development and securing Cabinet and Treasury Board approval of the Strategy and Fund.

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## BRIEFING NOTE FOR INFORMATION

**DATE:** October 3, 2022  
**PREPARED FOR:** The Minister of Land, Water and Resource Stewardship  
**ISSUE:** Groundwater Licensing

### BACKGROUND:

- The *Water Sustainability Act* (WSA) was brought into force on February 29, 2016, and introduced a requirement for people using groundwater for non-domestic purposes to apply for and obtain a water licence. Water licences issued under the WSA allow people to divert, use or store specific quantities of surface water or groundwater for one or more water use purposes.
- The Ministry of Forests (FOR) and the Oil and Gas Commission are responsible for the operational implementation of the WSA, while the Ministry of Land, Water and Resource Stewardship (LWRS) is the lead agency on provincial water policy including the WSA.
- As many groundwater and surface water sources are interconnected, groundwater licensing improves our understanding of water use, which helps WSA decision makers make water allocation decisions that balance water supply with demand while protecting the environment.
- Licensing groundwater establishes rights to use groundwater based on the same priority system as surface water users. Equal standing between surface and ground water users helps lower the risk of conflict when action is taken to restrict water use during times of water scarcity.
- Existing groundwater users (i.e., those who were using groundwater for a non-domestic purpose before February 29, 2016) were provided a six-year transition period to apply for an existing use groundwater (EUGW) licence.
- EUGW applicants were exempt from application fees and receive recognition of their date of first use (DOFU) when their application is considered. EUGW applicants are allowed to continue using water while they await a licence decision.
- Anyone seeking to use groundwater after February 29, 2016, are considered new groundwater users. New proposals of groundwater use are treated the same as surface water applications, which require a water licence before the water can be used.
- The Province conducted outreach and engaged potential EUGW users throughout the entire six-year transition period. A significant increase in engagement with the public and First Nations occurred in the year leading to the deadline.
- Based on analysis of the province's groundwater well registry, approximately 20,000 EUGW applications were expected. By the March 1, 2022 deadline, 7,711 EUGW applications were submitted with over 40 percent received in February 2022.
- EUGW users who missed the deadline will not receive DOFU recognition, must cease diverting water, and cannot lawfully resume until they apply for and receive a new water licence.

### DISCUSSION:

In 2021, the Ministry of Environment (ENV) (then accountable for WSA policy, now LWRS) considered policy options to address the low application numbers, including extending the March 1, 2022 deadline and providing exemptions for low volume users and/or types of use. The Ministers of ENV and Forests, Lands, Natural Resource Operations and Rural Development (now FOR) made the



decision to not adjust the deadline or provide exemptions, as previous deadline extensions and speculation around possible exemptions were believed to have encouraged the public to delay applying.

The EUGW application compliance rate was relatively consistent across regions. More irrigation applications were received than anticipated, likely due to effective agricultural sector outreach and support coupled with an underestimation of the number of existing users. Applications from waterworks and other local suppliers were far below the estimated number of users. This may be due to an error in the estimate of users (e.g., a water supplier may have multiple wells on one application). As applications are reviewed and processed by staff, additional analyses can be further refined.

Since the March 1, 2022 deadline, government staff have received very few follow-up enquiries, concerns, or requests for assistance from EUGW users. This suggests that a re-opening of the transition period and/or additional supports for those who missed the deadline would not significantly increase application submission.

As there are potentially many unlicensed EUGW users (possibly over 12,000 based on the anticipated 20,000 baseline), government will need to ensure there are resources to bring these users into compliance and ensure the objectives of the WSA are met. The current focus is to encourage compliance and support users applying for a new water licence. FOR operational staff are developing and implementing a compliance and enforcement plan consistent with the provincial [Compliance Management Framework](#). This will support staff when addressing concerns during periods of water scarcity in 2022 and beyond.

Advice/Recommendations

## INDIGENOUS PEOPLES:

Water rights is a sensitive topic for Indigenous Nations and there are differences of opinion regarding water licensing: some Nations support engaging in the licensing process and have water licences, whereas others are strongly opposed. Additionally, many First Nations have expressed concern with the WSA's priority of rights system, which does not note a First Nation right to water. This policy issue is being considered through the co-development of the Watershed Security Strategy with First Nations.

## SUMMARY:

- The transitioning period for EUGW users expired on March 1, 2022.
- Despite significant engagement, BC received fewer EUGW applications than expected.
- People who missed the deadline are being encouraged to apply as new users.
- FOR staff are developing and implementing a compliance and enforcement strategy to address non-compliant use of groundwater.

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## BRIEFING NOTE FOR INFORMATION

**DATE:** September 26, 2022  
**PREPARED FOR:** The Minister of Land, Water and Resource Stewardship  
**ISSUE:** Hullcar

### BACKGROUND:

- The Hullcar aquifer is a drinking water source for 22 private water wells and for the Steele Springs Waterworks District (SSWD), which services approximately 250 residents.
- Several factors are thought to affect water quality in the Hullcar aquifer. A 2017 consultant's report identified agriculture (farms/feedlots) as the primary cause of nitrate contamination, with residential septic systems potentially also contributing.
- In 2017 POLIS, a water policy NGO at the University of Victoria, completed an independent review of nitrate pollution in the Hullcar aquifer. In response, Government published its Hullcar Aquifer Response Plan (HARP) in November 2018.
- The Ministry of Land, Water and Resource Stewardship (LWRS) is working collaboratively with Splat'sin Nation, Interior Health Authority, and the Ministries of Health (HLTH), Forests (FOR), Agriculture and Food (AF), and Indigenous Relations and Reconciliation (MIRR) to implement HARP.
- The Hullcar Steering Committee is the primary venue for the Province, Splat'sin, and Interior Health's relationship to address drinking water concerns in the Hullcar Valley. This relationship had been guided by a Memorandum of Understanding (MOU), signed in 2017 and now expired, to formalize ongoing collaboration to address improved water quality in the Hullcar area and to implement HARP.
- The Province and Splat'sin intend to renew the MOU in 2022/23. It is expected to include HLTH, AF, MIRR and LWRS. ENV inclusion is still to be confirmed. The MOU will likely include a commitment to explore opportunities for new governance models related to watershed health for the Hullcar. In Winter 2020/21 the Steering Committee agreed to delay establishment of an Advisory Board until the MOU is complete.
- The Province continues to support the agriculture sector with implementing the Agricultural Environmental Management Code of Practice (AEMCOP) under the *Environmental Management Act* (EMA) and promoting best management practices. AEMCOP is implemented by ENV and AF. Implementation, compliance and enforcement of the Code are led by ENV.
- AEMCOP is intended to enhance environmental protection measures, improve compliance and enforcement, and make it easier to establish environmentally-sound farm practices. It is being phased in over 10 years and applies to all agricultural operations in British Columbia, from small hobby farms to large commercial operations and aims to ensure that drinking water, watercourses and air are protected.

### DISCUSSION:

The Province and its partners continue to dedicate resources to improving water quality in the Hullcar Aquifer. Splat'sin has identified water quality and quantity and this work as a high priority for chief and council. In February 2022, Ministers Heyman and Rankin met with Councillor William and committed to develop a second MOU. This work will commence in fall 2022.

A technical working group with representatives from Splat'sin and the province has been formed to develop a monitoring program for the Hullcar Valley. This will contribute to the work to develop a

groundwater model. The data and information gathered from this technical assessment will better inform the decisions we make to remediate the Hullcar Aquifer.

In 2019 and 2020, new Provincial groundwater wells were also drilled to help expand knowledge of groundwater quality, groundwater flow, and properties of the aquifers. While nitrate levels do continue to fluctuate in these wells, sampling from February 2021 only showed two shallow wells exceeding the 10 milligrams per litre (mg/L) Maximum Allowable Concentration (MAC). In deeper wells, February 2022 readings were as low as less than 0.010 mg/L.

Water sourced from the top of the water table, like the shallow wells or Steele Springs, can have higher concentrations of nitrates than water sourced at greater depths in the aquifer. This is because the top of the water table is more vulnerable to contamination from land use activities compared to water sourced from deeper in the aquifer. Therefore, while nitrate levels remain close to the MAC at Steele Springs and in some shallow monitoring wells, they are not necessarily representative of nitrate concentrations at depths where wells are typically sourcing drinking water.

A small number of residential wells in the Hullcar valley are sampled yearly to serve as an indicator of drinking water quality. In September 2020, five residential wells were sampled. All had nitrate values below the Health Canada MAC of 10 mg/L, and in two, no nitrate levels were detected.

In addition to the work being undertaken by LWRS noted above, HLTH is addressing improved drinking water governance and management in its response to the Auditor General's report. Learnings from Hullcar are key in informing this response.

#### **INDIGENOUS PEOPLES:**

The Province and Splatshin continue to collaborate on technical matters and work on a new MOU to support shared management and collaborative work on water in the Hullcar area.

#### **CONCLUSION:**

LWRS is the lead for the work in the Hullcar aquifer area. As part of this work, the ministry will coordinate with other ministries who have interests in watershed management in the Hullcar.

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## BRIEFING NOTE FOR INFORMATION

**DATE:** October 3, 2022

**PREPARED FOR:** The Minister of Land, Water and Resource Stewardship

**ISSUE:** Koksilah Water Management

### BACKGROUND:

- The Xwulqw'selu - Koksilah watershed is located south of Duncan on Vancouver Island, in the traditional territory of the Cowichan Tribes.
- In recent years, recurring low flows in the Koksilah River watershed have been a cause for concern due to the significant impact on fish populations.
  - The main causes of recurring low flows in the watershed are generally believed to be (1) unsustainable water use (surface water and groundwater) for agriculture; (2) impacts of a changing climate; and (3) cumulative impacts of forestry practices.
- Since 2017, Ministry of Forests (FOR) water staff have been engaging with water users in the watershed to conserve critical stream flows.
- During summer droughts in 2019 and 2021, voluntary measures were insufficient, and Temporary Protection Orders (TPOs) were issued in the watershed to restore flows and address water quality issues resulting from low flows, both of which are lethal to fish.
  - Under the 2021 TPO, nearly 50 operators including irrigators of forage crops (grass and corn) and industrial users (aggregate production) had restricted water use. This had an estimated total financial impact of at least \$660,000.
- The regularity of critical low flows, and impacts of climate change, suggest that regulatory responses such as this will likely become more frequent in future summers. For now, FOR:
  - Has paused processing existing use groundwater licence applications;
  - Is not contemplating any new use of water within the watershed without summer water use being supported by storage options; and,
  - Continues to monitor flows in the Koksilah Watershed and make the information public.
- Cowichan Tribes and the Province have been working together to identify a tool best suited to address the issues resulting from low flows.
  - On February 7, 2020, an Interim Letter of Agreement (LOA) was signed between the Chief of Cowichan Tribes and the Province to collaboratively explore a long-term solution for sustainable water management in the watershed.
  - A government to government agreement is now in development, following the LOA.
- A Steering Committee made up of Cowichan Tribes and FOR staff identified areas of common understanding and recommended moving forward with a water sustainability plan (WSP) under the *Water Sustainability Act* (WSA).
  - Recurring low flows in the watershed are causing impacts that align with the reasons for which an area may be designated for a WSP.
  - The Steering Committee hopes to guide the WSP planning process based on a commitment of effective and collaborative watershed stewardship.
  - As members of the Steering Committee, Cowichan Tribes support a WSP, and other First Nations whose territory overlaps the watershed have provided letters of support.
- On January 13, 2022, Minister Conroy signed a Ministerial Order under the WSA designating the Koksilah River Watershed for the purpose of a WSP.

**DISCUSSION:**

The Koksilah watershed is relied upon by over 1,100 water users. Although 66 percent of the watershed is privately managed forest, the primary uses of water in the watershed are agricultural, industrial and residential. Recurring low flows in the watershed have been a cause for concern since the 1980s.

Cowichan Tribes and the Province have been working collaboratively to identify a tool best suited to address the issues resulting from low flows. One of the tools contained within the WSA is a Water Sustainability Plan which is enabled under sections 64-85 of the WSA. They are initiated by a ministerial order designating an area for the purposes of a WSP under section 65 of the WSA. The rationale for planning must include preventing or addressing conflicts between water users, between the needs of users and environmental flow needs, risks to water quality or risks to the aquatic ecosystem health or identifying restoration measures in relation to a damaged aquatic ecosystem. The Koksilah Watershed is the first area to be designated for the purposes of a WSP in British Columbia (BC).

With the recent creation of the Ministry of Land, Water and Resource Stewardship (LWRS), it now takes a leadership role in watershed planning for BC. New positions within the Water Protection and Sustainability Branch will focus on water sustainability planning. WSP provisions of the WSA are also under the purview of LWRS and can provide for extensive change in the way a watershed is managed. Planning provisions, particularly the WSP-specific regulation making authorities (WSA sections 76-83), are augmented by the full range of WSA regulation making authorities. Regulations can be developed that, for example, restrict or prohibit a specified use of land or natural resources in the WSP area, amend the terms and conditions of licences, or require that other specified planning processes consider the WSP.

Government remains committed to its work in the Koksilah watershed and has added positions in LWRS to advance WSPs provincially. Designating the Koksilah watershed for the purposes of a WSP is a first step in enabling the long-term, sustainable management of the watershed. Developing the WSP will require additional resources to develop and implement and will alleviate the need for additional resources and reactive measures over the long-term. Collaboration with Cowichan Tribes on this initiative strongly supports our government's mandate to work towards reconciliation. A new government to government agreement is under development with Cowichan Tribes. The focus of the agreement is the development of the WSP and the shared commitment to watershed health.

**INDIGENOUS PEOPLES:**

The watershed is of great spiritual and cultural significance to Cowichan Tribes. The threat to the survival of resident and migrating salmonid species due to low flows are impacting Cowichan Tribes' constitutional rights to fish. While capacity funding remains a need for Cowichan Tribes, to date, funding to support Cowichan Tribes in this work has included:

- FOR transferred \$75,000 to Cowichan Tribes in March 2020 to support WSP scoping.
- Cowichan Tribes received an additional \$50,000 from the Indigenous Funding Program to continue this work in November 2020. The Freshwater Legacy Initiative matched this funding.
- Malahat Nation received \$40,000 from the Indigenous Funding Program in 2020/21 for their engagement and involvement as their traditional territory extends into the Koksilah.
- Cowichan Tribes was awarded a further \$500,000 under the Healthy Watersheds Initiative

**SUMMARY:**

LWRS is the provincial lead for water sustainability planning, including the work in the Koksilah River watershed. As part of this work, the ministry will coordinate with other ministries who have interests in watershed management in the Koksilah. The next steps for the LWRS Minister include signing an order establishing the plan development process under section 66, and, if required, an order limiting the planning process or recommendations may be made under section 67. The LWRS Minister will also approve the final WSP.

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| ED               | TZ       | October 3, 2022  |
| Program Dir/Mgr. | JV       | October 3, 2022  |

## BRIEFING NOTE FOR INFORMATION

**DATE:** September 27, 2022

**PREPARED FOR:** The Minister of Land, Water and Resource Stewardship

**ISSUE:** Status of implementation of the Ministry of Land, Water and Resource Stewardship's new mandate for drinking water

### BACKGROUND:

- The 2002 Action Plan for Safe Drinking Water in British Columbia (BC) 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).
  - In response to the OAG Report, HLTH and the OPHO committed to reporting annually on progress to the Select Standing Committee on Public Accounts (PAC). The annual report is referred to as the Action Plan and Progress Assessment (APPA).
- 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" (Strategy).
- Since the announcement of the new Ministry of Land, Water and Resource Stewardship's (LWRS's) 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.
- HLTH, OPHO, and LWRS have agreed on implementing the new mandate as follows:
  - LWRS will lead and coordinate development of the 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 regional health authorities (HAs) will maintain accountabilities for the *Drinking Water Protection Act* (DWPA) and Regulation.
  - LWRS will lead the report on APPA commitments to the PAC (with support from HLTH and OPHO).

### DISCUSSION:

Drinking water remains a cornerstone of public health and a priority for Government to ensure the health and safety of British Columbians. The use of a multi-barrier approach to protect drinking water is widely considered as best practice. This approach includes measures for source protection, effective water treatment, and preventing water quality deterioration in the distribution system. While each individual barrier may be not be able to completely remove or prevent contamination, together the barriers are effective. The Strategy will be critical to establish an integrated, multi-barrier approach in BC 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.



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. The creation of LWRS means that the PHO now has accountability for drinking water related reporting to both the Ministers of HLTH and LWRS through a change in mandate, but not yet under legislation. Accordingly, the Ministers of LWRS and HLTH, and the Provincial Health Officer (PHO) agreed at a joint meeting on September 16, 2022, to assign DWPA section (s.) 4.1, s. 4.2 and Part 5<sup>1</sup> to the Minister of LWRS through a *Constitution Act* Order in Council (OIC) and to formalize commitments to report to the Minister of Health not reflected in the proposed legislative change through a memorandum of understanding (MOU).

LWRS, HLTH, OPHO, and the HAs have very limited staff capacity to deliver on government’s drinking water responsibilities and mandate. The additional work to develop and implement the Strategy will be challenging to deliver without more resources.

### INDIGENOUS PEOPLES:

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

### NEXT STEPS:

- LWRS will lead the report on APPA commitments to PAC and will continue the outstanding items (per its mandate) with support from HLTH and OPHO.
- Advice/Recommendations; Legal Information
- The LWRS/HLTH/OPHO transition team are continuing to coordinate strategy development with the WSSF team, and have started work on planning the development of a Source to Tap Strategy.

### ATTACHMENT: Activities that impact drinking water sources (figure)

#### PREPARED BY:

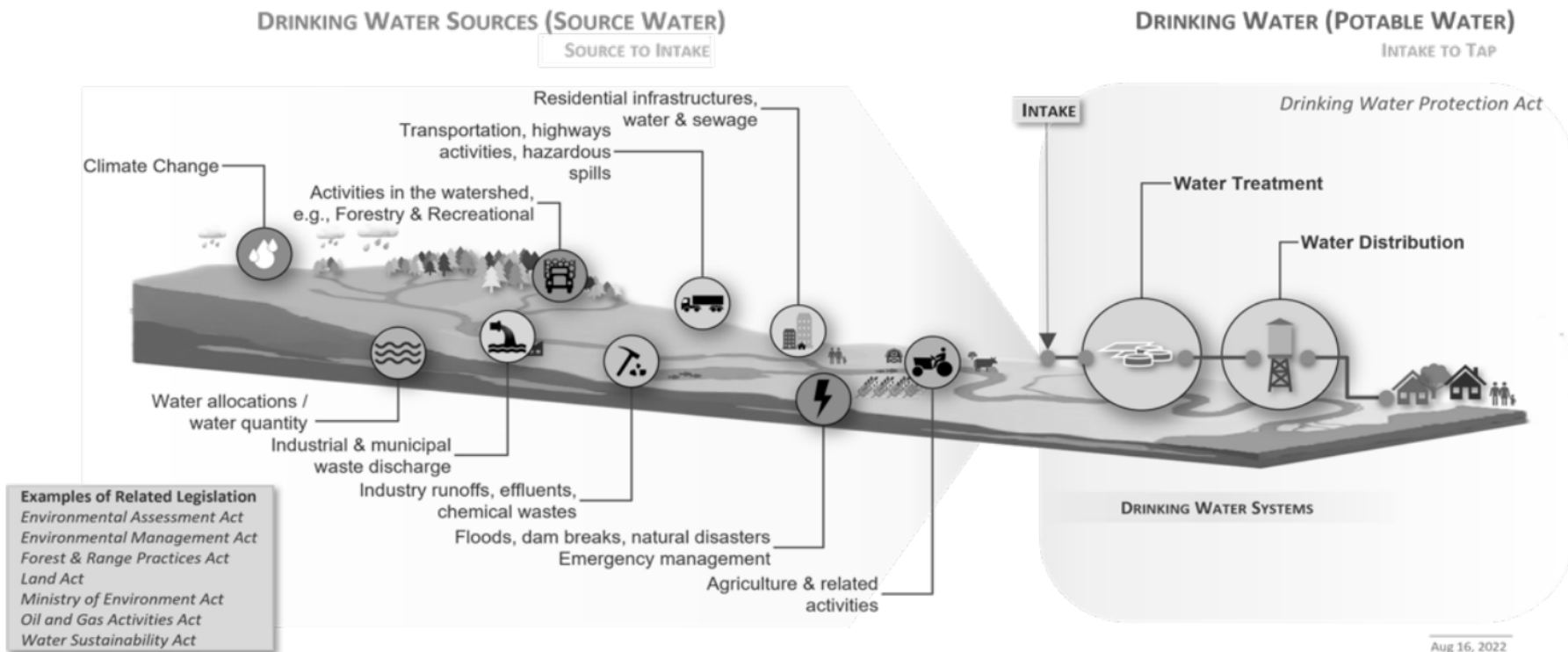
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| Program Dir/Mgr. | JB       | September 26, 2022 |

<sup>1</sup> DWPA s.4.1 states that the PHO must prepare and deliver to the Minister an annual report respecting activities under the DWPA for the past year, and DWPA s.4.2 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. DWPA Part 5 refers to Drinking Water Protection Plans.

## ACTIVITIES THAT IMPACT DRINKING WATER SOURCES



## BRIEFING NOTE FOR INFORMATION

**DATE:** September 27, 2022

**PREPARED FOR:** The Minister of Land, Water and Resource Stewardship

**ISSUE:** Strategic Overview Water Agenda

### BACKGROUND:

- Water management in Canada is a shared responsibility between the federal and provincial governments. Provinces have jurisdiction over the sustainable use and quality of water within their borders. The federal government oversees water on federal lands and First Nations reserves, and plays a primary role in managing transboundary waters.
- Federal legislation pertaining to water includes the *Canada Waters Act*, federal *Fisheries Act*, *International Boundary Waters Act*, and *Navigable Waters Protection Act*.
- The two governments collaborate on joint projects involving the regulation, apportionment, and monitoring of water resources, and to develop water quality guidelines.
- The federal government is currently developing a Canada Water Agency in consultation with provincial governments and Indigenous nations, with a potential mandate to collaborate across organizations and communities to keep water safe, clean and well-managed.
- British Columbia's (BC's) water quality and quantity, and aquatic ecosystems are managed by multiple provincial ministries, with the ministries of Land, Water and Resource Stewardship (LWRS); Environment and Climate Change Strategy; Forests (FOR); Health (HLTH); the Oil and Gas Commission; Municipal Affairs; and, Energy, Mines and Low Carbon Innovation holding key administrative and statutory functions.
- LWRS leads development of strategic water plans, water policy and legislation, facilitates watershed planning and governance, monitors water resources, conducts watershed science, leads on water quality management and regulates the discharge of wastewater and contaminants to watersheds.
- BC's core statute for allocating and managing water is the *Water Sustainability Act* (WSA), which replaced the previous *Water Act* in 2016. Statutory responsibilities for managing water (primarily quality) are also found in the *Environmental Management Act*, *Drinking Water Protection Act*, *Forest and Range Practices Act*, *Oil and Gas Activities Act*, *Mines Act*, and *Local Government Act*.
- FOR is the lead ministry responsible for licensing the use and allocation of water and is the authorizing agency under the WSA.
- Responsibility for drinking water protection now primarily rests with LWRS and supported by HLTH, with most natural resource ministries also playing a role.
- Water is a foundational value for the health and wellbeing of Indigenous communities and is increasingly highlighted as a jurisdictional interest by Indigenous leaders. BC has a strategic interest in advancing water governance with First Nations as a means to achieve Indigenous reconciliation and support self-determination.

### DISCUSSION:

BC's water is a key strategic resource. Establishing a healthy 'water future' for BC is seen as being critical to developing a thriving economy, supporting robust communities and maintaining healthy watersheds.

With the 2022 ministry reorganization, LWRS now holds a leadership role in ensuring the health of BC's watersheds. Effective water management is best realized by adopting an integrated and

collaborative cross-government approach. While no single provincial agency is solely accountable for watershed governance and management, leadership and coordination is vital.

BC faces a number of significant water management challenges that require attention by government:

- The resiliency of BC's watersheds is declining as they suffer from the cumulative effects of development, unsustainable land use practices, invasive species, and population growth. As a result, some watersheds will be unable to adapt to climate change, making ecosystems, species, and communities more vulnerable to acute disasters. The developing Watershed Security Strategy and Fund is a key opportunity to holistically move forward on transforming how watersheds are governed and managed in the province.
- Climate change is already affecting historic patterns of water quantity and quality in BC. Increased incidence of wildfire and drought continue to place demands on government to reconcile competing interests during times of scarcity. Building resilience in response to future changes through Clean BC and BC's Climate Action Plan will be important.
- Government continues to implement land use planning initiatives and make strategic investments on the land base. Through LWRS, opportunities to accelerate watershed planning and objective setting to help further watershed health and security.
- Land development practices often continue without consideration of the water needed to support new and continuing activities. For example, land zoned for new developments, including affordable housing units, is hindered due to the lack of available water.

BC's current water management model poses some challenges for government:

- Because many ministries are engaged in water management, processes and systems are complex, and often require multiple, coordinated decision points across agency lines.
- Public acceptance of water sustainability principles and practices varies across the province, with northern and rural regions being generally less receptive to conservation-based policies that could affect future interests, land uses and rights to water.
- Municipalities are looking to increase their role in water protection at the local level and have expressed concerns that the health of community watersheds is being compromised.
- Industry has called on government to expedite the granting of water authorizations, claiming administrative delays are leading to financial insecurity, lowering certainty of access and eroding trust and credibility in government.

Despite the many challenges facing water management in BC, LWRS is in a key position to lead cross-agency collaboration under the vision and leadership of a Watershed Security Strategy. LWRS has the opportunity and mandate to improve coordination and oversight of BC's water with clearly defined roles and responsibilities; to leverage the capacity and innovation potential of key partners and stakeholders; and to capitalize on the potential benefits of a new Canada Water Agency

LWRS can also facilitate strategic investments in watershed health (e.g., recovery and restoration initiatives) through a Watershed Security Fund. Over the past two years, the provincial government has allocated \$57 million (M) in watershed security funding: almost half of this funding has supported Indigenous led and co-led projects. In the first phase of funding, \$27M was provided to the Real Estate Foundation of British Columbia and Watersheds BC to create the Healthy Watersheds Initiative (HWI). HWI funded more than 60 projects across the province. A second investment of \$30M was made in 2022 to further work in watershed security. Half this funding supports an Indigenous Funding initiative that will build on the key principles of the HWI.

**INDIGENOUS PEOPLES:**

Water is a foundational value for the health and wellbeing of Indigenous communities and is increasingly highlighted as a jurisdictional interest by Indigenous leaders. BC has a strategic interest in advancing water governance with First Nations as a means to achieve Indigenous reconciliation and support self-determination.

First Nations seek greater recognition of their Indigenous laws and cultures, and rich knowledge of water for more inclusive stewardship of our shared watersheds. While BC has established co-governance frameworks with some First Nations, Indigenous leaders are increasingly calling for an 'equal footing' role in statutory decisions and are seeking amendments to the WSA to give their voice legal effect.

The BC-First Nations Water Table was established to facilitate co-governance on water issues with First Nations, and a to address a need for enduring spaces for collaboration on aquatic resource issues at a province-wide scale. The Water Table is the first Table of its kind to work on watershed security and health at a provincial scale. It is the primary mechanism for working with First Nations on development of the Watershed Security Strategy. Watershed security and health is most effective when addressed across Nations, ministries, territories, and watersheds.

Work with modern Treaty Nations and the Metis Nation BC is also ongoing, with work on the Watershed Security Strategy and Fund to continue this autumn.

**CONCLUSION**

LWRS now holds a leadership role in ensuring the health of BC's watersheds. Through this, LWRS has a key opportunity to lead BC in addressing the growing number of issues affecting its communities, the economy and the health of its watersheds. Opportunities like the Watershed Security Strategy and Fund can provide a path forward for BC towards healthy watersheds.

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## BRIEFING NOTE FOR INFORMATION

**DATE:** September 26, 2022  
**PREPARED FOR:** The Minister of Land, Water and Resource Stewardship  
**ISSUE:** BC Salmon Restoration and Innovation Fund.

### BACKGROUND:

- British Columbia Salmon Restoration Innovation Fund (BCSRIF) is a 70 percent federal (\$200M) and 30 percent provincial (\$85.7M) \$285.7M cost-shared program that launched on March 15, 2019, to protect wild salmon.
- This is the largest provincial investment in Wild Pacific Salmon for over 20 years.
- It is the key funding delivery tool for the Province to continue working towards fulfilling the Wild Salmon Advisory Council recommendations and to continue implementation of the Wild Salmon Strategy in Action.
- To date, BCSRIF has resulted in 97 funded projects that vary in scope, proponent, topics, and geographic regions, most of which focus on the recovery of wild salmon through habitat restoration, research, sustainable fisheries, and Indigenous partnerships (Appendix 1).
- The program enables significant co-benefits including employing over 450 people (over a 100 of which are in rural communities) and training over 330 people since its inception.
- BCSRIF funding is open to Indigenous communities, industry associations, environmental non-governmental organizations, commercial enterprises, and academic institutions.
- Investments through this program are focused on joint provincial and federal priorities of the day but have supported a wide variety of projects that generally will help recover salmon habitat, benefit commercial and recreational fishing and aquaculture, as well as support science and research initiatives (Appendix 2).
- Building on the program's success, high demand, and continued need for such a funding mechanism, Fisheries and Oceans Canada (DFO) and British Columbia (BC) doubled their investment in BCSRIF, from 142.85M to \$285.7M, and extended the program in 2022; a new intake for proposals opened on September 15, 2022, for eight weeks.

### DISCUSSION:

In addition to doubling their contributions to BCSRIF, the federal and provincial governments have extended the program to 2026 and 2028 respectively. It is anticipated that Fisheries and Oceans Canada will match the provincial timeline in extending to 2028. A new intake for proposals opened on September 15, 2022, extending for 8 weeks until November 15, 2022. BCSRIF Principles, which were jointly negotiated between Canada and BC, will focus on projects that include:

- Climate change impacts to salmon
- Priority salmon stocks
- Indigenous Participation and Knowledge
- Salmon ecosystems, including support for community hatcheries
- Salmon habitat
- Sustainable fisheries

This work is an integral part of the implementation of the Provincial Wild Salmon Strategy in Action and the federal \$647M Pacific Salmon Strategy Initiative (PSSI). With the heightened public and First Nations interest in wild salmon recovery, it is expected that demand will once again outstrip available funding through BCSRIF. This will lead, like in previous BCSRIF intakes, to many letters of rejection to proponents, including First Nations as funding decisions are jointly made by the Province and DFO. In some cases, rejected proponents have expressed their disappointment politically.

**SUMMARY:**

- BCSRIF is a jointly funded program to support wild salmon and fisheries in BC.
- In 2019, BC and DFO announced \$142.85M in funding through this program, and on August 23<sup>rd</sup>, 2022, a second intake was announced with an additional \$142.85M and program extension until 2026.
- To date, BCSRIF Phase 1 has resulted in 97 funded projects totalling over \$126M in BCSRIF funding.
- The program provides significant ecological and socioeconomic benefits to rural and coastal communities and First Nations.
- Phase 2 of BCSRIF opened for proposals on September 15, 2022 and closes on November 15, 2022.
- The funding priorities for this second phase have been altered to reflect the current priorities of BC and DFO, whilst still ensuring that Pacific Wild Salmon are a focus throughout.

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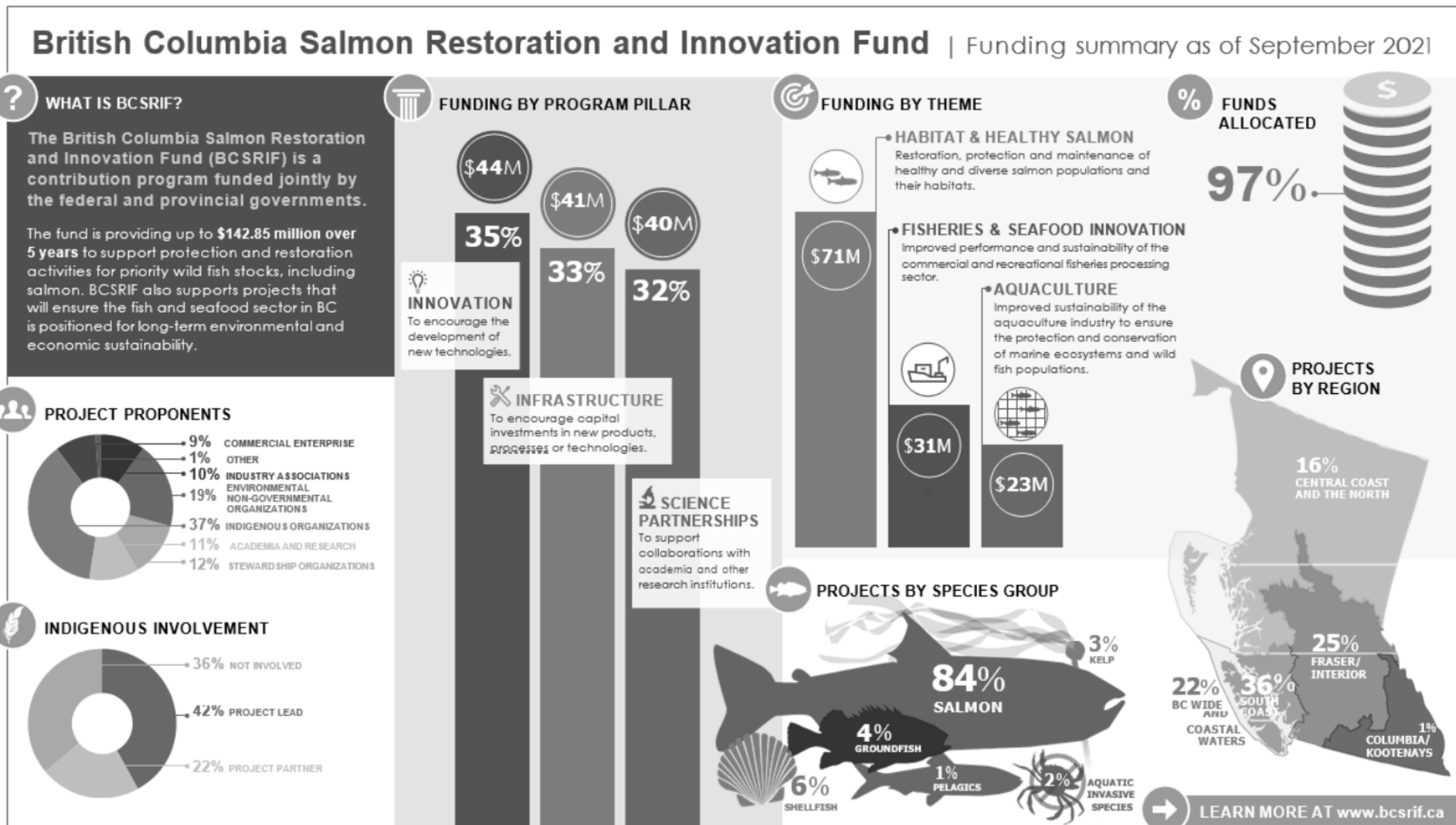
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| DM               | L        | Oct 19, 2022  |
| ADM              | JM       | Oct 4, 2022   |
| Program Dir/Mgr. | DT       | Sept 26, 2022 |

**Attachment(s):**

- Appendix 1: DFO Summary of BCSRIF Projects and Funding Breakdown
- Appendix 2: Preliminary Project Results and Highlights

## Appendix 1: DFO Summary of BCSRIF Projects and Funding Breakdown





## Appendix 2: Preliminary Project Results and Highlights

| Funding Pillar       | Number of Projects | Total Funding of Funding for Pillar | Number of Projects Completed |
|----------------------|--------------------|-------------------------------------|------------------------------|
| Science Partnerships | 39                 | \$55,367,890                        | 2                            |
| Innovation           | 23                 | \$38,600,207                        | 2                            |
| Infrastructure       | 35                 | \$33,555,153                        | 5                            |

| BCSRIF Priority Theme Area     | Number of Projects Funded | Total Value of Funding for Theme | Number of Projects Completed |
|--------------------------------|---------------------------|----------------------------------|------------------------------|
| Habitat & Healthy Salmon       | 55                        | \$76,477,284                     | 6                            |
| Aquaculture                    | 11                        | \$22,575,278                     | 1                            |
| Fisheries & Seafood Innovation | 31                        | \$28,533,441                     | 2                            |

Examples of Currently Funded Projects include:

- The recent completion of the Enhancing Estuary Resiliency project by the Nature Trust of BC. This project was awarded \$8,552,415 to undertake monitoring and research to assess estuary resilience to sea level rise and other climate impacts across the coast of BC.
- An Independent First Nations' Genomic Lab for BC, led by 'Namgis First Nation, to support First Nations in conducting independent fish health sampling. This project, based in Penticton, BC, was awarded \$1,977,828 in BCSRIF funding.
- Selective Fishing Using a Salmon Trap, with Tsawwassen First Nation, to design and operate a tidal waters salmon trap close to the traditional TFN fishing sites near the mouth of the Fraser River. This project received \$875,325 in BCSRIF funding.
- The Skeena Estuary Habitat Management and Protection Planning project, based in Prince Rupert, received \$2,334,024 in BCSRIF funding and aims to develop a Skeena Estuary Habitat Management and Protection Plan and to implement identified priority estuarine habitat restoration projects.
- The Fraser River Estuary Salmon Habitat (FRESH) Restoration Project, managed by Ducks Unlimited Canada, received \$5,019,091 in BCSRIF funding to restore key Fraser River estuary tidal marsh habitat, and provide access to key critical habitats for Fraser River Chinook, coho, steelhead, sockeye, other juvenile salmon species, white sturgeon, and other wild BC fish stocks.
- Optimizing Recirculating Aquaculture Systems for Sustainable Salmon Production, led by UBC in Vancouver, to provide a BC-based solution for growing larger, more physiologically robust Atlantic salmon smolts in freshwater recirculating aquaculture systems (RAS). This project was awarded \$1,829,490 in BCSRIF funding.
- The Determination of Bottlenecks Limiting Wild and Enhanced Juvenile Salmon and Steelhead Production in BC using PIT tags and Spatially Comprehensive Arrays project is one of many being managed by the Pacific Salmon Foundation. This project, based across the East Coast of Vancouver Island, was awarded \$4,619,877 in funding and is developing a monitoring and evaluation framework to determine survival bottlenecks in freshwater and marine environments for hatchery and wild Chinook, Coho and Steelhead.

## BRIEFING NOTE FOR INFORMATION

**DATE:** September 26, 2022  
**PREPARED FOR:** The Minister of Land, Water and Resource Stewardship  
**ISSUE:** BC Wild Salmon Strategy in Action

### BACKGROUND:

- The Ministry of Land, Water and Resource Stewardship (LWRS) has a mandate commitment to continue implementing the British Columbia's (BC) Wild Salmon Strategy and work with the federal government to double the BC Salmon Restoration and Innovation Fund (BCSRIF).
- In addition to the mandate, BC's Action Plan for the Declaration on the Rights of Indigenous Peoples Act (DRIPA)<sup>1</sup> contains the development of a cohesive BC Wild Pacific Salmon Strategy as an action for 2022-2027.
- With the recent restructuring of BC's natural resource ministries, mandates were given to Minister Osborne and Parliamentary Secretary for Fisheries and Aquaculture, Fin Donnelly, that address the need to continue to work to protect and revitalize BC's wild salmon.
- In 2018 the Premier convened a Wild Salmon Advisory Council (WSAC) that resulted in recommendations for a "made in BC" salmon strategy.
- On August 23, 2022, the Province, in conjunction with Fisheries and Oceans Canada (DFO), announced a doubling of the BCSRIF which includes a provincial investment of \$42.85M, and federal investment of \$100M.
- BCSRIF is a critically important program that is making tremendous strides restoring wild salmon habitat and helping the species' populations recover and is the key funding mechanism for the Wild Salmon Strategy in Action.
- In 2021, DFO announced the \$647 million investment in the Pacific Salmon Strategy Initiative (PSSI) which was established to stem the ongoing declines in wild Pacific salmon.

### DISCUSSION:

Since the release of the 2019 WSAC report, BC has been focused on working towards restoring wild salmon populations with partners. Specifically, BC has:

- Created a "home for salmon" in the new LWRS ministry supported by a Minister and Parliamentary Secretary;
- Implemented the Broughton Salmon Farming agreement.
- Partnered with First Nations Fisheries Council to support work on salmon, watershed security and coastal marine strategies.
- Influenced DFO on key provincial interests within their PSSI;
- Strengthened provincial leadership in the Pacific Salmon Treaty by appointing a provincial Commissioner;
- Announced the doubling of BCSRIF in August 2022; and
- Implemented the Salmon Aquaculture Policy for marine tenures.

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<sup>1</sup> [https://www2.gov.bc.ca/assets/gov/government/ministries-organizations/ministries/indigenous-relations-reconciliation/declaration\\_act\\_action\\_plan.pdf](https://www2.gov.bc.ca/assets/gov/government/ministries-organizations/ministries/indigenous-relations-reconciliation/declaration_act_action_plan.pdf)

The Water, Fisheries and Coastal Policy & Planning (WFCPP) Division brought staff working in coastal marine stewardship, aquatic ecosystems, and water protection and sustainability into a single division. WFCPP is responsible for key strategies that each address wild salmon. FAWSB is working closely with teams in WFCPP that are developing the Coastal Marine Strategy (CMS), the Watershed Security Strategy (WSS) to ensure that wild salmon are integrated into those strategies. Watershed planning will be a key component of the next phase of wild salmon work, and links closely to one of the objectives of the PSSI: Integrated Planning for Salmon Ecosystems.

The PSSI is the federal government's main driver for restoring wild salmon populations. Since it was announced in 2021, BC has been in discussions with PSSI at different levels to understand how PSSI will be proceeding. PSSI has identified four pillars (i.e., conservation and stewardship, salmon enhancement, harvest transformation, integration, and collaboration). DFO has indicated that the scope conservation and stewardship pillar include integrated ecosystem planning, which is a role within provincial jurisdiction, BC expects to be taking a leadership role in that work.

BC is taking other actions to address wild salmon declines through partnerships with First Nations and has developed a working relationship with the First Nations Fisheries Council. We are also working closely with Fisheries and Oceans Canada (DFO) under their \$647M PSSI to develop a tripartite forum with Nations. While DFO has yet to commit to this model, First Nations and the Province are keen to move forward on a collaborative salmon table to ensure that all key governments are working together on future initiatives to restore wild salmon. BC's investment in BCSRIF and partnership with DFO is a central component of the Wild Salmon Strategy and the PSSI. Through this program, BC and DFO have created new opportunities for salmon habitat restoration, community involvement, and innovation. Thus far, BCSRIF has funded 97 projects, and as of September 2022 was seeking new applications for the fund.

#### **INDIGENOUS PEOPLES:**

Wild salmon are a critical part of Indigenous culture and have historically been a primary food source for communities throughout BC. Through consultations during the CMS and WSS, Indigenous Nations consistently raised concerns about wild salmon in relation to both coastal marine environment, and watershed security. BC has a strong working relationship and a memorandum of understanding with the First Nations Fisheries Council.

#### **SUMMARY:**

- LWRS has a mandate to continue implementing the BC's Wild Salmon Strategy and has worked with the federal government to double the BCSRIF.
- BCSRIF is a key tool of the Provincial strategy and has funded nearly 100 projects bringing benefit to wild salmon and fisheries.
- Watershed level planning driven by a wild salmon recovery value is a key next step in the Wild Salmon Strategy, implemented through the Watershed Security Strategy.
- LWRS continues to develop deeper partnerships with Indigenous Nations and DFO to work collaboratively on restoring wild salmon, including through development of a tripartite table.
- LWRS is looking at methods to communicate out continued progress on wild salmon.

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| Program Dir/Mgr. | DT       | Sept. 26, 2022 |

## BRIEFING NOTE FOR INFORMATION

**DATE:** September 22, 2022

**PREPARED FOR:** The Minister of Land, Water and Resource Stewardship

**ISSUE:** Salmon Aquaculture Transition

### BACKGROUND:

- Broadly, there are three significant developments affecting salmon aquaculture in British Columbia (BC): The Broughton Aquaculture Transition Initiative, Federal decisions on finfish aquaculture in the Discovery Islands, and the Federal 2025 Net-Pen Transition initiative.
- All three developments are in response to public concerns of perceived environmental risk, as well as First Nations concerns and interests in managing this activity.
- While the Broughton and Discovery initiatives are constrained to discrete farming areas (Broughton Archipelago, Discovery Islands). The Federal 2025 Net-Pen Transition initiative is a mandate of The Federal Minister of Fisheries and Oceans Canada (DFO) and will affect salmon aquaculture production coastwide.
- On March 10, 2022, Hon. Premier Horgan sent a letter to Prime Minister Trudeau making clear that any plan developed by 2025 to transition from current open-net pen technology must be built on meaningful and principled engagement involving industry, First Nations, local governments, and the province. The letter also confirmed provincial involvement in the process to find positive and lasting solutions that benefit all involved.
- On July 29, 2022, DFO released a document 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 BC Parliamentary Secretary Fin Donnelly was present. Consultations will run until early 2023. The feedback received during these consultations will be incorporated into a final transition plan, expected in spring 2023.
- The DFO Minister announced a two-year renewal of licences for marine finfish aquaculture facilities outside of the Discovery Islands. These licenses include stronger requirements for aquaculture facilities, including the implementation of standardized reporting requirements and sea lice management plans, as well as wild salmon monitoring, that continue to improve management of the salmon aquaculture industry.
- Reissuance of licences for this duration is intended to allow the industry to continue to operate in a stable regulatory regime while the transition plan is being collaboratively developed.

### DISCUSSION:

The decision to develop a transition plan has been lauded by many nongovernmental organizations as well as many First Nations who perceive there to be environmental risk, particularly to wild Pacific salmon, from farm operations. In general, this group wishes to see a total removal of all in-water farming, with operations moved to land. Several other First Nations, operators and coastal communities have expressed concerns that a transition from the status quo will create economic uncertainty and a loss of jobs within their communities.

Operators have warned that the technology and business case required to move all operations to land-based recirculating aquaculture (RAS) does not yet exist and will take several years to develop. Recently the Ministry of Agriculture and Food produced a report that estimated strategic considerations and barriers to this method of salmon farming in British Columbia. The report, "RAS

Salmon Farming in British Columbia: Economic Analysis & Strategic Considerations” found that regulatory uncertainty, high capital cost, low returns on investment, and lack of incentives to locate in BC remain the primary constraints challenging RAS sector development. It concludes that RAS development is currently possible, but at smaller scales and not in isolation from the larger aquaculture sector currently operating in the province.

Ultimately, the direction DFO decides to take will depend on the results of its 2022-2023 consultations. However, a transition may include a variety of options which could include some land-based operations, area-based approaches to net-pen siting and licensing, semi-enclosed pens, and increased First Nations monitoring.

To date the Province has made it clear that its priority is reconciliation with First Nations and is encouraging DFO to consider the principles of United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) in decisions related to salmon farming in BC, including balancing First Nations rights to economic development decisions within their territories. As part of the March 2022 provincial commitment to work with DFO on a transition, BC was to work with DFO and First Nations in a Strategic Oversight Committee (SOC) to guide the process. The group has to date failed to convene, and in August 2022 the First Nations Fisheries Council, a key partner, communicated that they would no longer participate citing concerns of an unclear direction of the plan. DFO has indicated to the Province that other options for engaging with the province and First Nations will be considered moving forward.

The Province, which is responsible for administering *Land Act* tenures to fish farm operator implemented its Salmon Aquaculture Policy in June 2022. This policy requires operators to have agreements with First Nations in whose territory they operate prior to receiving a new or significantly amended tenure. Because DFO has renewed licenses for the next two years, the decision-making authority to end farm operation in the province for expiring tenures within this time falls on the province. The Province will need to consider its approach and whether this lead role in potentially closing farm activities is desired, or if the Province should align its tenure reissuance with federal license renewals. This will be important because of the complexity in applying the policy to individual tenures and with a variety of First Nations’ interests but also because of the need to make sure that industry appropriately manages any outstanding liabilities and decommissioning relating to the site.

## SUMMARY:

The Province has committed to working with DFO on their 2025 Net-Pen Transition Plan, with consultations expected to run into early 2023 and lead to a final Transition Plan shortly thereafter. What exactly the future-state of salmon aquaculture in BC will be remains unclear. It is likely, however, that the transition plan will rely on a variety of solutions as opposed to a wholesale removal of the activity from coastal waters.

Given that the SOC is being shelved as the structure in which DFO, the province and First Nations would guide this work; the province will need to determine on the best ways it wishes to engage and maintain provincial influence in these discussions.

In the interim, attention will shift to how the province will implement its own Provincial Salmon Aquaculture Policy that took effect June 30, 2022. The province will need to consider its approach with respect to balancing First Nations wishes or expiring or month-month tenures in their territory, and managing industry needs and outstanding liabilities and decommissioning relating to the site.



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## BRIEFING NOTE FOR INFORMATION

**DATE:** September 27, 2022

**PREPARED FOR:** The Minister of Land, Water and Resource Stewardship

**ISSUE:** Coastal marine planning initiatives in British Columbia

### BACKGROUND:

- There are several marine planning processes currently underway in British Columbia (BC), at different stages of development and implementation.
- The Marine Plan Partnership (MaPP), a co-led initiative between the Province of British Columbia and 17 First Nations, has created and is now implementing four sub-regional marine plans, covering the marine waters from approximately Bute Inlet/ Quadra Island to the BC-Alaska border including Haida Gwaii (an area known as the Northern Shelf Bioregion).
- The MaPP plans were approved in 2015 and implementation agreements signed in 2016. Implementation of MaPP is being carried out under a public-private partnership model.
- In the same geographic area, the Province has been working with the MaPP partner Nations and the federal government to develop a network of marine protected areas (MPAs), bolstering the level and scope of protection in the region to include federally-regulated activities. This process has been underway for close to a decade, guided by the *Canada-British Columbia Marine Protected Area Network Strategy* jointly agreed to and released in 2014.
- South of the Northern Shelf Bioregion, the Province has recently been engaged with the First Nations Fisheries Council and the federal government, primarily through Fisheries and Oceans Canada, to develop a marine spatial plan for the Strait of Georgia and Southern Shelf bioregions. In August 2022, the partners signed a letter of understanding (LOU) to support this work.
- Given the integrated nature of coastal marine planning, this work touches on the mandates and interests of multiple ministries. LWRS remains the provincial lead for advancing this work, but works with:
  - The Ministry of Forests to clarify the intent of spatial zoning and ensure its consideration in decision-making processes for tenure authorizations;
  - The Ministry of Agriculture and Food on opportunities to grow sustainable seafood operations in rural coastal communities;
  - The Ministry of Environment and Climate Change Strategy (BC Parks) on designation of coastal marine areas for long-term protection;
  - The Ministry of Indigenous Relations and Reconciliation on overarching collaborative governance agreements; and others.

### DISCUSSION:

The Province has been a long-time advocate and driver for integrated marine planning across the coast, complementing our work in upland areas and watersheds. Current initiatives, including implementation of MaPP, are helping us to proactively plan for the future, support economic recovery and environmental sustainability, and contribute to lasting and meaningful reconciliation with Indigenous peoples. Ensuring that existing plans remain up-to-date and completing plans for new areas (e.g. south coast) also helps to meet government's objectives for informed decision-making and efficient permitting of a variety of coastal marine activities.

Continuing this work, under a co-leadership model with First Nations and the federal government, is expected to be a key component of the Province's Coastal Marine Strategy. Through initial engagement on the CMS, LWRS staff have heard about a wide variety of issues and concerns that First Nations, stakeholders, and local governments would like to see the Province address. However, the broad, strategic nature of the CMS may not lend itself well to addressing issues at more local scales. Making a commitment to ongoing coastal marine planning through the CMS may allow the Province to better support local communities' interests and objectives, complement existing sector-based management in specific areas, and enhance rural development opportunities. Although this would require long-term funding to be successful, it would help to address the issues and concerns being raised through CMS engagement.

**INDIGENOUS PEOPLES:**

The Province has developed a strong working relationship with Central and North Coast First Nations through co-leadership of coastal marine planning initiatives such as MaPP. Taking similar approaches in other areas are likely to be well-received by South Coast Nations. Initial work to develop a marine spatial planning process for the South Coast is taking time, but helping to support the Province's relationship with the First Nations Fisheries Council. Once a broader framework has been agreed to, there is an opportunity to build new relationships with individual Nations and groups of Nations on the South Coast.

**NEXT STEPS:**

LWRS staff are continuing to work with our partners to implement integrated marine plans in the Central and North Coast, as well as explore new opportunities to fill gaps in the South Coast. In addition, staff are conducting public engagement on a MPA Network Action Plan, to support robust protection of special marine areas along the coast. As the CMS is developed, LWRS will be looking to profile these ongoing planning efforts and confirm future priorities.

**Attachment(s):** N/A

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## BRIEFING NOTE FOR INFORMATION

**DATE:** September 27, 2022

**PREPARED FOR:** The Minister of Land, Water and Resource Stewardship

**ISSUE:** Development of a Coastal Marine Strategy for British Columbia

### BACKGROUND:

- British Columbia's (BC) coastal zone is home to the majority (~72%) of British Columbians. This area encompasses the traditional territories of approximately 84 BC Indigenous Nations and includes around 300 communities.
- Marine based economic sectors contribute ~\$21.5B annually to the economy and support approximately 131,000 jobs in British Columbia.
- BC's coastal and marine areas are also extremely biologically diverse - home to many iconic wildlife such as Pacific salmon, killer whales and many other birds, mammals, fishes and invertebrates.
- However, BC is one of few maritime jurisdictions in North America that does not have an articulated coastal marine strategy and/or law. Given the close connection BC residents have with the ocean and the importance it has in terms of BC's cultural identity, the Province has committed to develop a new Coastal Marine Strategy (CMS) for BC.
  - This commitment is included in four ministerial and parliamentary secretary mandate letters across government, with the Ministry of Land, Water and Resource Stewardship (LWRS) playing a lead role.
- To date, staff have held 18 engagement sessions with 48 First Nations across the coast (including eight treaty nations), eight First Nations organizations and have held information sessions with over 85 stakeholder groups and 11 of the 17 coastal Regional Districts. Staff have also discussed this initiative with federal government agencies through the Director-level Ocean Coordinating Committee (OCC) and Deputy Minister-level Pacific Region Committee on Oceans Management (RCOM).
- LWRS staff have gathered feedback and worked collaboratively with First Nations representatives to develop an Intentions Paper for broad review and engagement. The current draft includes policy intentions under six outcome areas, including: a healthy and productive coast; resilience to climate change; trusting, respectful relationships; holistic learning and knowledge sharing; community well-being; and a sustainable, viable ocean economy.
- Given the cross-cutting nature of these outcomes and intersecting jurisdictions and mandates, the draft Intentions Paper is currently being reviewed by federal and provincial agencies, including, but not limited to:
  - The Ministry of Forests as it relates to provincial decision-making on authorizations in coastal marine areas;
  - The Ministry of Agriculture and Food as relevant to the sustainable seafood sector and related 'blue economy'; and
  - The Ministry of Environment and Climate Change Strategy on climate change mitigation and adaptation in the coastal zone, as well as long-term protections for the coastal marine environment.
  - The Ministry of Jobs, Economic Recovery and Innovation as it relates to BC's Economic Plan and Marine Industrial Strategy.

## DISCUSSION:

Without a clearly articulated strategic vision for the coast, it has been challenging for the Province to plot its own course and ensure that valued natural assets are sustained and protected for future generations. Development of a comprehensive CMS will enable the Province to clarify how and what future actions will be taken to better steward coastal marine environments, mitigate and adapt to climate change impacts, advance reconciliation with First Nations, develop a sustainable blue economy and foster community resilience in the face of increasing pressures. The intent is that the CMS would be a strategic document that articulates a vision, principles, goals and critical actions that matter most to the people of BC, as well as adding profile to the many cutting-edge initiatives already underway.

Given First Nations' role in co-developing the draft Intentions Paper, as well as the considerable feedback already received from stakeholder groups and local governments, there are high expectations of what the CMS will do to advance shared decision-making and resolve long-standing issues in the coastal marine environment. Cabinet Confidences

Cabinet Confidences

As other

jurisdictions have found, there could be significant fiscal implications to implementing comprehensive coastal marine policy, so early guidance on financial constraints would be beneficial in scoping priorities. Aligning policy intentions with federal government interests may allow the Province to better leverage funding opportunities in achieving shared goals.

## INDIGENOUS PEOPLES:

Coastal First Nations have voiced a strong interest in seeing a more comprehensive approach to provincial policy development for the coastal marine environment. More than twenty First Nations have been actively involved in co-developing the draft Intentions Paper to support this work. However, participating First Nations have expressed some concerns about the model for co-developing this work, in particular as it relates to the timelines for meeting the provincial interest in completing the Strategy in the next 18 months. As a result, LWRS staff are currently considering some adjustments to the approach, to ensure that the views and perspectives of a broad range of Nations are better able to be incorporated and that workplans are adjusted accordingly.

## NEXT STEPS:

LWRS staff are continuing to advance development of the draft Intentions Paper and incorporate feedback from First Nations, federal and provincial agencies. Cabinet Confidences

Advice/Recommendations; Cabinet Confidences

**Attachment(s):** N/A

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| DM               | LH              | Oct 19, 2022  |
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| Program Dir/Mgr. | KW, A/ED for CS | Sept 27, 2022 |



October 19, 2022

Hon. Omar Alghabra, P.C., M.P.  
Minister of Transport  
330 Sparks Street  
Ottawa, ON. K1A 0N5

Dear Minister Alghabra,

We are writing you regarding the Vancouver Fraser Port Authority's (VFPA) Active Vessel Traffic Management (AVTM) initiative. Our combined membership of terminals, ocean carriers, and shippers completely supports the objectives of the AVTM initiative as announced by you in August 2021. If done properly, AVTM can support a better framework for decision making that increases marine safety, protects Canada's pristine coasts and waterways, and reduces impacts to coastal communities.

We are concerned that expert advice, including that of the National Supply Chain Taskforce, is not being considered by VFPA or Transport Canada in the development of AVTM and its component parts, and that elements of AVTM that VFPA intends to implement in the near-term will have negative impacts on Canada's trade competitiveness, and community and industry support for the program. VFPA's current approach is flawed, including an ineffective sequencing of sub-initiatives, little to no coordination with other key federal initiatives, and a lack of consideration of operational realities as suggested by our members.

The intent of VFPA to centrally control cargo operations through prioritization principles for the use of waterways and anchorages is imprudent and does not reflect the advice of logistics experts. The initial focus of AVTM should be ensuring marine safety as a priority – serving as a "traffic cop" for marine activity. VFPA does not have the expertise to make evidence-based decisions on cargo management and data accumulation does not bestow logistical expertise to the user – but is costly for industry. Decisions on cargo management must be evidence based and include expertise and accountability well beyond the Port's mandate. Evidence based decisions impacting the entire supply chain are essential – as mistakes will be costly for Canadians. Implemented as currently designed, AVTM will lead to decreased efficiency of private terminal and rail infrastructure, more vessels waiting in coastal waters, increased vessel emissions, increased impacts to marine mammals, and potentially decreased levels of safety.

The management of dry-bulk export commodities is complex and involves long-term planning, continuous coordination, and last-minute decisions that affect vessel sequencing. Consequently, it is fundamental to have sufficient vessels ready to load in the vicinity of a terminal, preferably at a safe anchorage, to respond to the numerous factors, including rail service and other supply chain connections across the country, that influence vessel sequencing at the terminal. Cargo operations are best managed by terminals and shippers, and they need a degree of autonomy in decision making to manage vessels between anchorages and terminals to maximize terminal and shared rail infrastructure efficiency. While this management can be part of a centralized scheduling system, VFPA is not positioned to make the necessary decisions to maximize the efficiency of the terminal or supply chain.

The anchorages on the South Coast of British Columbia are a shared resource used by different terminals trading different commodities. Consequently, they require management to ensure optimized access, the highest level of safety, and to reduce impacts. While the VFPA is currently focussed on centralized control of cargo operations through a centralized scheduling system, it would be sensible to focus its planning efforts on the arrival of vessels to the Port to ensure that the right vessels arrive at the right time to support efficient cargo operations.

We are extremely concerned of Transport Canada's intent to reduce the overall number of transits, capacity and utilization of anchorages, without analysing the impacts of this decision on the supply chain. Removing flexibility of critical marine infrastructure or decreasing anchorage capacity will limit trade potential and economic growth; have significant impacts on the levels of trade efficiency of existing cargo operations at terminals within the VFPA's jurisdiction; and constrain the management of supply chain disruptions - making Canadian exports, such as metallurgical coal, agri-products, potash, and fertilizers, less competitive in a global marketplace.

We are aware of concerns from First Nations and community stakeholders and the Province of British Columbia. We urge consideration of practical solutions. The intent of VFPA to only implement a code of conduct that relies upon a complaint process from community stakeholders without any on-the-water monitoring or enforcement capability will only frustrate local communities. We are committed to reducing impacts on communities, but the current approach is not considered as achieving this or planning for growth in trade. Simply constraining anchorage capacity and pushing ships to wait in offshore and coastal waters will place ships in potentially dangerous situations during adverse weather conditions, which are prevalent during winter months. This is the exact scenario that occurred to the ZIM KINGSTON in 2021 and led to the loss of cargo impacting coastal waters and shorelines, and a dangerous fire.

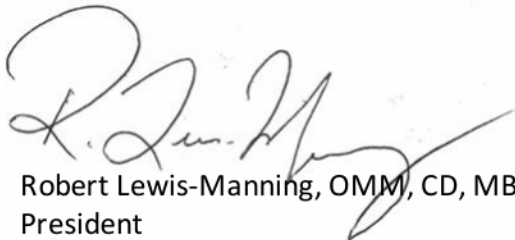
We have made recommendations previously with respect to anchorage management that would support trade, environmental, reconciliation and community objectives. They include:

1. Implementing a monitoring and enforcement regime for all anchorages on the South Coast of British Columbia, possibly through regulations. This should include an on-the-water capability and an indigenous participation plan;
2. Implementing a single management framework for all anchorages, including those at the Port of Vancouver, the Port of Nanaimo, the Southern Gulf Islands, Constance Bank, and Royal Roads;
3. Making anchorages in the Southern Gulf Islands the last priority (anchorage area of last resort) for assignment;
4. Identifying and reviewing potential lower-impact anchorage sites. Every large ship anchorage relocated from the Southern Gulf islands to a lower-impact area would be considered beneficial;
5. Developing a growth and contingency strategy for anchorages, as shared trade enabling infrastructure is critical to the success of cargo operations for dry-bulk commodities;
6. Supporting the Chamber of Shipping's Near Time Arrival Project. This project aims to decrease the waiting time of vessels prior to loading; and
7. Supporting the Chamber of Shipping with a pilot program to evaluate and pilot single point mooring.

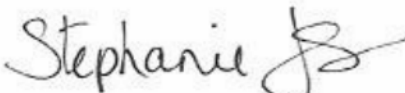
Minister, we highly recommend that you provide additional direction to VFPA to “reset” the current process. The VFPA’s approach to AVTM will not achieve the stated goal of the program and will exacerbate supply chain congestion instead of resolving it and have negative safety, social, and environmental implications. This change of course should include refocussing AVTM priorities toward establishing a port community system, modernizing the existing anchorage management framework, and developing a vessel arrival protocol that integrates with the Government of Canada’s Single Window Initiative. We believe that this refocus would have the wide support of industry, the province of British Columbia, and community stakeholders.

While we have only touched on some of the complexities and opportunities in developing a robust AVTM system that can support responsible growth in trade, we are prepared to and would appreciate an opportunity to provide you a detailed brief.

Yours Sincerely,



Robert Lewis-Manning, OMM, CD, MBA  
President  
Chamber of Shipping



Stephanie Jones, MBA  
President  
BC Marine Terminal Operators Association



Wade Sobkowich  
Executive Director  
Western Grain Elevator Association

c.c. Hon. Joyce Murray, Minister of Oceans, Fisheries and the Canadian Coast Guard  
Hon. Steven Guilbeault, Minister of Environment and Climate Change Canada  
Hon. Jonathan Wilkinson, Minister of Natural Resources  
Hon. Marie-Claude Bibeau, Minister of Agriculture and Agri-Food  
Hon. Murray Rankin, Minister of Indigenous Relations and Reconciliation,  
Province of British Columbia  
Hon. Rob Fleming, Minister of Transport and Infrastructure, Province of British  
Columbia  
Hon. Josie Osborne, Minister of Land, Water and Resource Stewardship, Province  
of British Columbia  
Michael Keenan, Deputy Minister, Transport Canada

## BRIEFING NOTE FOR INFORMATION

**DATE:** September 27, 2022

**PREPARED FOR:** The Minister of Land, Water and Resource Stewardship

**ISSUE:** Anchorage-related concerns and the Province's role in management

### BACKGROUND:

- Anchorages are considered "suitable area[s] in which to anchor a vessel"<sup>1</sup>. The right to anchor is related to one of the oldest legal rights in Canada – the freedom to navigate on tidal waterways. Transport Canada (TC) is the lead management agency, on behalf of the federal government (primarily under the *Canadian Navigable Waters Act* and the *Canada Shipping Act, 2001* and its regulations).
- Vessels use anchorages for a variety of reasons (e.g. inclement weather, waiting to enter a port, waiting for cargo, conducting maintenance activities) and are permitted to anchor temporarily wherever it is safe. TC reports that the average stay at an anchorage in the Gulf Islands, across from the Port of Vancouver, is 8.6 days<sup>1</sup>.
- Ensuring cargo vessels have a safe place to anchor is an important part of an efficient supply chain. When berths and anchorages within a port are full, additional anchorages are required for cargo vessels outside of the port boundary.
- Within a port boundary, the relevant port authority directs vessels where to anchor and for how long. However, outside of the port boundary, the Province has a potential role to play in tenuring anchorages for use.
- As confirmed by a 1984 Supreme Court of Canada decision, the Province owns the waters and submerged lands of the Juan de Fuca Strait, the Strait of Georgia, Johnstone Strait and Queen Charlotte Strait and the waters and submerged lands between major headlands (i.e. bays, estuaries, fjords).
- Given its ownership and related jurisdiction, the provincial government has the ability to issue authorizations for marinas, docks, and permanent mooring buoys anchored to the seafloor. These authorizations are issued under the *Land Act*, managed by the Ministry of Forests.
- Although the provincial government has the ability to issue authorizations for permanent mooring buoys, the Province has not typically done this, given challenges with resourcing compliance and enforcement of buoy tenure usage. An exception may be made where an agency, such as TC or the Vancouver Fraser Port Authority (VFPA), can be granted authority to actively manage their usage.

### DISCUSSION:

In the past several years, concerns have grown about the use of anchorages in southern British Columbia (BC). There are 33 anchorages in the Southern Gulf Islands that have been used since the early 1960s (Attachment 1); no provincial tenures have been issued to occupy unsurveyed Crown land in the area. TC currently administers them under a voluntary 'Interim Protocol for the Use of Southern BC Anchorages' introduced in 2018 and developed in collaboration with the Chamber of Shipping of British Columbia, the Shipping Federation of Canada, the Pacific Pilotage Authority, the VFPA, and the Port of Nanaimo. Ships are assigned to sites by the VFPA.

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<sup>1</sup> Transport Canada. Understanding anchorages in Canada. <https://tc.canada.ca/en/marine-transportation/ports-harbours-anchorage/understanding-anchorage-canada>

Usage of these 33 anchorages has increased significantly in recent years, triggering the growing chorus of opposition. In September 2018, the Islands Trust Council called on the federal government to work towards eliminating the use of the 33 commercial freighter anchorages throughout the Southern Gulf Islands. Key concerns cited by Islands Trust include:

- lack of prior consultation with First Nations and coastal communities and a lack of environmental assessments on the use of these anchorages;
- significant amounts of unnecessary noise, light, and air pollution generated by these ships while at anchor; and
- risks these vessels pose to the marine environment, including the risk of oil spills.

Continued and intensifying use of these sites have the potential to impact current and future marine policy and planning processes, including BC's Coastal Marine Strategy as well as the federal government's own initiatives. Under the federal government's Ocean Protection Plan, TC has established an Anchorages Initiative, looking at "ways to reduce anchorage use and transits by commercial vessels while advancing active traffic management solutions to mitigate socio-environmental impacts and improve traffic management"<sup>2</sup>. Similarly, the VFPA has been working on an Active Vessel Traffic Management (AVTM) initiative, aimed at prioritizing and optimizing the movement of vessels. However, in recent meetings and correspondence, Robert Lewis-Manning of the Chamber of Shipping has voiced significant concerns about AVTM, noting that it has the potential to lead to reduced efficiency, more vessels waiting in coastal waters, increased vessel emissions, increased impacts to marine mammals, and potentially decreased levels of safety. The Chamber and its affiliates would like to see the establishment of a port community system, modernized anchorage management framework, and a vessel arrival protocol as priorities for these initiatives.

## INDIGENOUS PEOPLES:

Coastal First Nations often voice concerns about vessel traffic and related effects on the marine environment. Given these concerns, the Province has a strong interest in ensuring that First Nations are adequately consulted on the management and use of anchorages into the future.

## CONCLUSION:

The provincial government's role in managing anchorages is limited. However, there may be opportunities for the Province to take a position on this federally-managed activity through the development of BC's Coastal Marine Strategy and/or as part of BC's participation in ongoing federal initiatives. In the interim, the Province should be directing concerns to the federal government and expressing that any actions taken are done in consideration of coastal community concerns and in a way that supports efficient trade and economic activity.

**Attachment(s):** (1) Map of Southern Gulf Island Anchorages  
(2) October 19, 2022 letter from Robert Lewis-Manning & Stephanie Jones

### PREPARED BY:

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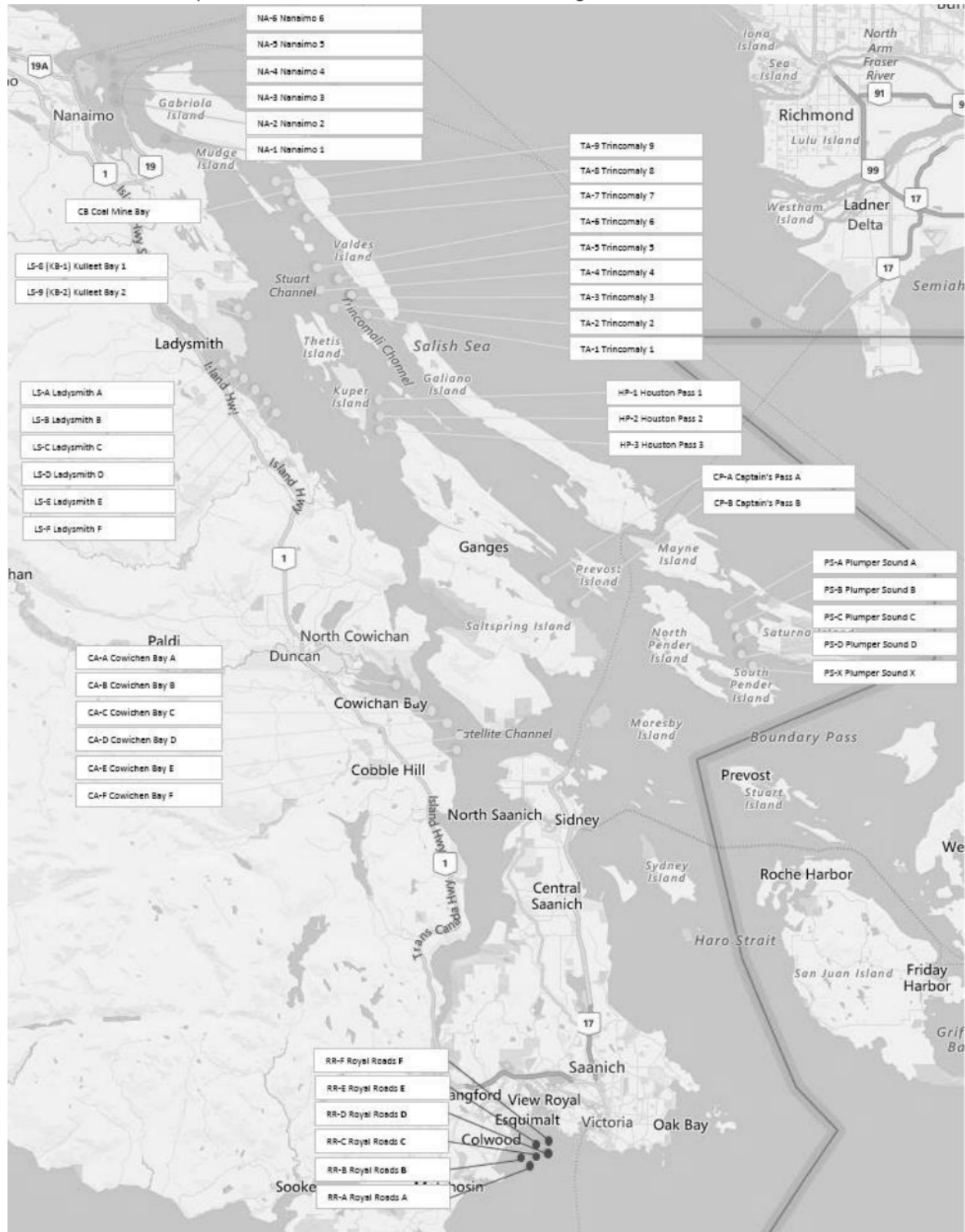
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| DM               | LH              | Oct 19, 2022  |
| ADM              | JM              | Sept 28, 2022 |
| Program Dir/Mgr. | KW, A/ED for CS | Sept 27, 2022 |

<sup>2</sup> Transport Canada. Discharge, noise, light, and concerns for marine life from anchored vessels.  
<https://tc.canada.ca/en/marine-transportation/ports-harbours-anchorages/discharge-noise-light-concerns-marine-life-anchored-vessels>



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**Attachment 1: Map of the Southern Gulf Island Anchorages**



## BRIEFING NOTE FOR INFORMATION

**DATE:** September 16, 2022  
**PREPARED FOR:** The Minister of Land, Water and Resource Stewardship  
**ISSUE:** Fish Species at Risk

### BACKGROUND:

- British Columbia (BC) is responsible for the management of the natural resources in a sustainable manner that prevents species and ecosystems from becoming at risk.
- As a result of the complex topography and glacial history, BC has both high diversity in aquatic species and the highest number of endemic species (found nowhere else) in Canada.
- Preventing and recovering aquatic species at risk is articulated in mandate letters, including 'protect species at risk and...protect and enhance BC's biodiversity;' 'develop new strategies to protect and revitalize BC's wild salmon populations;' 'ensure our water and watersheds are respected and valued.'
- Within Canada, BC has the highest number of at-risk and formally listed Species at Risk Act (SARA) species. Of the 455, approximately 79 are freshwater aquatic fauna. This includes 43 populations of wild salmon, two steelhead, four white sturgeon, three molluscs, and 27 other freshwater fish. The rest of the 455 include terrestrial fauna, flora, and other 'non-fish' species.
- BC is seeing an increasing number of aquatic species declining to the point that there are concerns over the ability to sustain wild populations.
- Loss of aquatic species have broad reaching impacts. For example, salmon are a keystone species. They are the critical food source for over 100 species of wildlife, including other endangered species such as orcas and spirit bears, and provide watersheds with the fertilizer levels both aquatic and terrestrial ecosystems require.
- There are common threats including habitat loss from cumulative land use activities such as logging, agriculture, mining, dams, invasive species, climate change, and fishing practices. The collective impact of these threats is substantial and creates a complex management challenge.
- Jurisdictional responsibility for many of the threats to at risk species span across provincial and federal governments, and recovery requires deep collaboration. For example:
  - Ministry of Land, Water and Resource Stewardship (LWRS) leads cross-ministry involvement in federally led Species at Risk (SAR) processes.
  - LWRS leads the BC-Canada-Indigenous recovery collaborations on non-listed species.
  - LWRS leads the development of foundational conservation science.
  - Ministry of Forest (FOR) leads freshwater regulatory fishing decisions on fish at risk but not listed under SARA.
  - Ministry of Environment and Climate Change Strategy (ENV) Conservation Officer Service is responsible for enforcing fisheries regulations.
  - The Department of Fisheries and Oceans Canada (DFO) is the leads federal agency responsibilities for SARA designated aquatic species.

### DISCUSSION:

#### Recent Achievements

- Creation of LWRS has created clear executive accountability to take action.
- Key mandate deliverables set the stage for significant future improvements: Watershed Security Strategy, Coastal Marine Strategy, and the Salmon Strategy.

- In response to the Atmospheric River Event, LWRS is leading a BC-DFO-First Nation approach to habitat recovery priorities, activity monitoring, and integration of cultural values and interests.

#### INDIGENOUS PEOPLES:

- Indigenous Peoples in BC are globally identified as fishing societies, with the exception of the northeast portion of the province which has stronger ties to the Plains Peoples traditions associated with migration of large mammals.
- Fish, including salmon, are a high priority food-security item for First Nations and declines due to cumulative development is a trigger for rights-based infringement challenges.
- Advice/Recommendations

#### NEXT STEPS:

- Integration of aquatic species at risk needs and ecosystem health in upcoming Watershed Security Strategies, Land Use Planning, Coastal Marine Planning, and BC's Salmon Strategy.
- Engagement with DFO on SARA review processes, including for Interior Fraser Steelhead, Fraser White Sturgeon, and numerous salmon populations.
- Development of a provincial scale, species, and habitat restoration priority list, for integration into annual work plans of the various involved ministries.
- Efforts to protect critical species and habitats in the interim while the longer-term strategies (above) are rolled out, for example, improvements in protection orders in drought management, Atmospheric River Event Recovery priority setting.

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|------------------|----------|---------------|
| DM               | LH       | Oct 19, 2022  |
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## BRIEFING NOTE FOR INFORMATION

**DATE:** September 16, 2022  
**PREPARED FOR:** The Minister of Land, Water and Resource Stewardship  
**ISSUE:** First Nations Fisheries Council

### BACKGROUND:

- The First Nations Fisheries Council (FNFC) was established in 2009. FNFC is one of the three resource councils to the First Nations Leadership Council (FNLC), which includes the British Columbia (BC) Assembly of First Nations, the Union of BC Indian Chiefs, and the First Nations Summit. The other two councils are the Forestry Council and the Energy and Mining Council.
- The FNFC vision is for resource management that focuses on the health and sustainability of aquatic ecosystems and species, and the equitable sharing of fisheries and aquatic resources among Indigenous and non-Indigenous people alike.
- The FNFC is not a rights holder. The FNFC works on behalf of, First Nations to:
  - Advance and protect Title and Rights including priority access for food, cultural and economic purposes.
  - Support First Nations to build and maintain capacity for fishing, planning, policy, law, management, and decision-making at a variety of scales.
  - Facilitate discussions for a BC management framework that recognizes and respects First Nation jurisdiction, management, and authority.
- BC has invested in developing successful working relationship with the FNFC, working on new pathways to co-design policies and programs and to facilitate resolution to issues.
- The FNFC established a Memorandum of Understanding (MOU) with Canada in 2013 and an MOU with the Province in 2019. The FNFC-BC MOU formalizes the commitment to advance shared priorities.
  - First Nations and the Province share common goals of maintaining healthy marine and freshwater species, environments, and ecosystems, and promoting the sustainable use of those resources. An effective working relationship between BC and First Nations are important to advancing these goals.
  - The MOU provides a framework for overcoming barriers, coordinating intergovernmental relations, and messaging, and exploring innovative approaches to support First Nations involvement in the implementation and development of policy, management, and initiatives related to fisheries and the aquatic environment.
- Ministry of Land, Water and Resource Stewardship (LWRS) leads the cross-ministry working relationship. It works in close partnership with the Ministry of Indigenous Relations and Reconciliation (MIRR) and other ministries with roles in fish and water management.
- The work with the FNFC is additional to work this Government does directly with the rights holders and with other Indigenous organizations.

### DISCUSSION:

#### Recent Achievements

- A streamlined and integrated financial agreement to support the launch of the Coastal Marine Strategy and the Water Security Strategy.
- The successful establishment of the BC Water Table, including the inclusion of a First Nation lead with connections to the FNLC.

- Under the BC MOU, an updated Commitment to Action document with a refreshed management structure and priority work areas.
- Support to BC in the rapid establishment of a BC First Nations Canada response team to the Atmospheric River Event flood emergency response and recovery actions.

#### INDIGENOUS PEOPLES:

- The FNFC is the single organization established to represent a provincial perspective. The FNFC is a strong supporter of regional First Nation amalgams and the individual rights holder, seeing their role as complimentary and provincial policy focused.
- While it works on behalf of the First Nations Leadership Council (FNLC), the FNFC has expended effort to improve the reporting and accountability relationship and awareness by the political leadership; strengthening the FNFC's ability to provide the provincial perspective.

#### NEXT STEPS:

- Further work on strategic collaborations including:
  - Salmon Strategy
  - Coastal Marine Strategy and Marine Planning.
  - Watershed Security Strategy and the Water Table
  - Traditional Knowledge and bio-cultural indicators for fish management.
  - Recovery of Steelhead and White Sturgeon
- Updating the 2019 MOU to reflect Government reorganization, mandate commitments and improvements in the business relationship since 2019.

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## BRIEFING NOTE FOR INFORMATION

**DATE:** September 16, 2022  
**PREPARED FOR:** The Minister of Land, Water and Resource Stewardship  
**ISSUE:** Impacts of 2021 Flood on Fish and Fish Habitat

### BACKGROUND:

- Ministry of Land, Water and Resource Stewardship (LWRS) is the lead ministry responsible for ensuring the collective management of aquatic habitat results in healthy ecosystems and sustainable management of the species which rely on them.
- In November 2021, an Atmospheric River event occurred in British Columbia (BC). The impacts to rivers are significant and the resulting fish and aquatic ecosystem impacts are not yet fully understood.
- This work is being prioritized in Salmon and fish species at risk habitats. Approximately 28 populations of different listed fish species are impacted.
- Impacts to BC riverways include, but are not limited to, deposits of anthropogenic and non-anthropogenic debris, sediment depositions, significant scouring, river braiding, infrastructure impacts/destruction, and river relocation.
- Led through LWRS, the province and Department of Fisheries and Oceans Canada (DFO) are working in collaboration with Indigenous communities across the province to bring salmon management to the forefront of urgent issues and initiatives, such as natural hazard response.
- Various teams in multiple ministries play a role in flood response, recovery, and preparedness.
- A fish and aquatic habitat lens should be put on all these works to ensure we are managing our aquatic ecosystems and fish responsibly. In some instances that lens is being put on after the fact.
- In response to this event and concern over salmon habitat and population impacts, the Aquatic Ecosystems Branch has work to set up a 3G (BC-Federal-First Nation) governance structure, with DFO and First Nations, in each of the impacted areas. The goal is to help guide, support, and coordinate salmon recovery.

### DISCUSSION:

#### Recent Achievements

- 3G collaboration tables established. The 3G structure allows us to bring together western science with the local and traditional knowledge from First Nations to address priority projects. Further, it enables the inclusion of cultural and spiritual values or areas to ensure management approaches are culturally appropriate.
- Monitoring of fish migration through low flow seasons.
- Detailed habitat impact assessments underway in impacted areas.

### INDIGENOUS PEOPLES:

- Wild fish populations are foundational to Indigenous Peoples' cultural, traditional, and ceremonial activities both historically and in current practices.
- Without salmon, and healthy watersheds to support salmon, BC's Indigenous communities will be missing a key component to their culture and a stable food supply
- First Nations were not initially included as core members on the emergency response activities led by other agencies, as that has not existing operating procedures. This highlighted issues regarding

western approaches to food security only focusing on farmed products/livestock rather than wild salmon and critical infrastructure only focusing on critical transportation and supply chains rather than also including the last vestiges of cultural and traditional sites (e.g., Semá:th Nation whose traditional fishing lake was converted into farmland).

- As First Nations have the right to be involved in decisions that affect their rights and based on the past years of investing in the BC-First Nation relationship over fish and aquatic management, LWRS led the development of a tri-partite collaboration. First Nations have responded positively to this, although initiation was expected earlier due to the previous success of the Big Bar response structure as a disaster-response approach.

#### NEXT STEPS:

- Continued action following direction from the Federal-Provincial-First Nations Leadership Council (FNLC) Ministers Committee on Disaster Response, from June 2022, to support habitat remediation activities for the collective benefit (improved flood resiliency, increased protection of property, farms and infrastructure, protection of drinking water quality, reduction in economic impact due to flood events).
- Participation in the Emergency Management BC (EMBC)-led after-action reviews to ensure future events purposefully include watersheds, salmon, and consideration of indigenous rights at the outset.
- This fall, direct temporary net-new funding to implementation of next steps under the 3G aquatic habitat remediation/recovery plans.
- Align aquatic habitat remediation priorities into other BC-led initiatives such as the Collaborative Stewardship Initiative, Steelhead, Sturgeon, and Salmon recovery strategies, and the BC Salmon Restoration and Innovation Fund.

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## BRIEFING NOTE FOR INFORMATION

**DATE:** September 16, 2022  
**PREPARED FOR:** The Minister of Land, Water and Resource Stewardship  
**ISSUE:** Fish Habitat Restoration

### BACKGROUND:

- Working to ensure British Columbia (BC) aquatic ecosystems are healthy and sustainably managed falls under the Ministry of Land, Water and Resource Stewardship (LWRS).
- This mandate is delivered through the combination of provincial strategies such as the Watershed Security Strategy, Salmon Strategy, and on-the-ground restoration actions such as flood recovery works, the Fish Passage Remediation Program, and investments under the BC Salmon Restoration and Innovation Fund (BCSRIF).
- With multiple ministries and governments holding authorities that impact fish habitat remediation, LWRS also leads cross-ministry, cross-Government and 3G (BC-Canada-First Nation) teams in order to develop collective solutions.
- Across BC habitat is impacted/lost through direct destruction and fragmentation. Cumulative impacts are now a significant concern for our aquatic habitats. This loss has been accelerated from recent and more frequent natural disasters such as drought, flood, and wildfires.
- Damage to fish habitat is a chargeable offense under the Federal Fisheries Act.
- Aquatic habitat restoration and restoration investment opportunities are on the uprise, and until recently, there is little provincial direction available to focus efforts and investments on priorities.
- Aquatic habitat restoration helps us improve watershed health, mitigates for cumulative impacts, and can enable sustainable development to resume in currently affected watersheds.
- Restoration benefits go far beyond fish management:
  - It is critical to maintain and recover fish populations.
  - It is critical to maintain and recover biodiversity.
  - It improves water for human and livestock consumption.
  - It can offset climate change impacts, such as keeping streams cooler during drought.
  - It reduces impacts from natural disasters by increasing bank stability in floods and providing wildfire breaks.

### DISCUSSION:

#### Recent Achievements

- Additional BC investment this fall in remediation will occur through the BC Salmon Restoration and Innovation Fund.
- Remediation efforts under the emergency actions for the 2021 Atmospheric Reiver Event are underway using an LWRS-led new BC-First Nation–Federal Government partnership.

### INDIGENOUS PEOPLES:



- Aquatic ecosystems play an important role for all British Columbians. It is recognized that First Nations have a significant interest in managing for healthy aquatic ecosystems, along with rights associated with the fish they support.
- Water for Fish is a core element in the First Nation Fisheries Council Strategic Plan.

**NEXT STEPS:**

- Improvements in the strategic management of watersheds will be part of new Land Use Planning and the Watershed Security Strategy.
- LWRS is leading the development of a BC-Canada-First Nations Habitat Recovery Plan, first focused on responding to natural disasters (flood, wildlife), and will set collective priorities and joint monitoring. This will enable new internal and external investments to be aligned to the joint priorities as well as establish a modern way for the three governments to increase collective effectiveness on recovery initiatives.

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## BRIEFING NOTE FOR INFORMATION

**DATE:** September 29, 2022

**PREPARED FOR:** Minister of Land, Water and Resource Stewardship

**ISSUE:** Co-developing a land and resource management regime with First Nations

### BACKGROUND:

- One of Government's greatest responsibilities is the management of our land and resources.
- Government is committed to action on reconciliation, to co-develop new strategies, legislation, and policy and to enter decision-making and co-management arrangements with Indigenous governments and organizations in land and natural resource management.
- The Ministry of Land, Water and Resource Stewardship (LWRS) has a mandate letter commitment to work with First Nations to develop a path forward to build a co-managed land and resource management regime. A similar commitment is included in the *Declaration on the Rights of Indigenous Peoples Act* Action Plan (Action 2.4 and 2.6).
- There is a broad range of significant work underway led by various Natural Resource Ministries (NRM) requiring engagement and collaboration with Indigenous Nations. Expectations for meaningful engagement and co-development processes leading to co-management arrangements are heightened by government's commitment to reconciliation and the *Declaration Act*.
- Government staff across ministries are looking for opportunities to better align and coordinate engagements meant to lead to effective co-management of British Columbia's (BC) land and natural resources.
- LWRS staff have worked with Indigenous partners on developing a Coastal Marine Strategy, a Wild Salmon Strategy, and a Watershed Security Strategy and Fund. This is added to the broad range of work already ongoing to modernize land use planning, implement the Together for Wildlife strategy, and address the Auditor General recommendations pertaining to drinking water, species at risk and biodiversity, fish and aquatics, as well as many regional or local activities.
- New government-to-government relationships require new approaches and models to the co-existence and exercise of our respective jurisdictions, including strategic level planning, decision-making and management roles, and responsibilities.

### DISCUSSION:

Co-management of lands, water and resources is a broad topic and all NRMs engage with First Nations in support of the management of lands and resources. Many of the challenges ministries

face are shared (e.g. governance, shared territories, capacity). Policy development work is intrinsically linked to other critical initiatives in the sector (e.g. New Fiscal Framework; Section 7 joint or consent-based agreements; comprehensive reconciliation negotiations such as Treaty or CRAs). Progress with developing and implementing solutions and strategies will benefit from strong cross-sector support.

The Ministry of LWRS has an opportunity to convene and coordinate efforts across the Natural Resource Sector (NRS) and to provide guidance where collaborative efforts go beyond a single ministry mandate. LWRS will be establishing internal, cross-sector structures within government to support the development of new programs and/or policies, a 'Co-management Hub' to share information on approaches, identify policy issues and options, develop cross-sector solutions or strategies for cross-cutting initiatives, and develop and maintain operational guidance.

In addition, LWRS staff have initiated a discussion with Indigenous leadership regarding policy scope and engagement process to co-develop a co-management regime. LWRS will seek to develop a shared understanding of the current land and resource management regime (Current State Land and Resource Framework attached as Appendix 1). Policy gaps will be explored, including assessment of policy options that bring coherence to planning for land and resource management across the natural resource sector – this will include examination of legislation.

LWRS can bring a broad NRM perspective to that work and develop a suite of tools and guidance for the NRMs that support advancing positive relationships and build the foundation for co-developing a collaborative land and resource management framework with First Nations.

## SUMMARY:

A provincial-level framework for co-management of natural resources with Indigenous people is a key mandate of the LWRS ministry. To do so effectively means convening colleagues from all NRS ministries and agencies to collaborate, and that work is just beginning. Several tools will keep the work moving forward and assist regional staff who have the necessary relationships: mapping current partnerships and collating and distributing guidance and messaging to line ministries. Critically important to this work is ensuring a collaborative approach with our Indigenous partners to advance new policies and approaches to co-management.

## ATTACHMENTS:

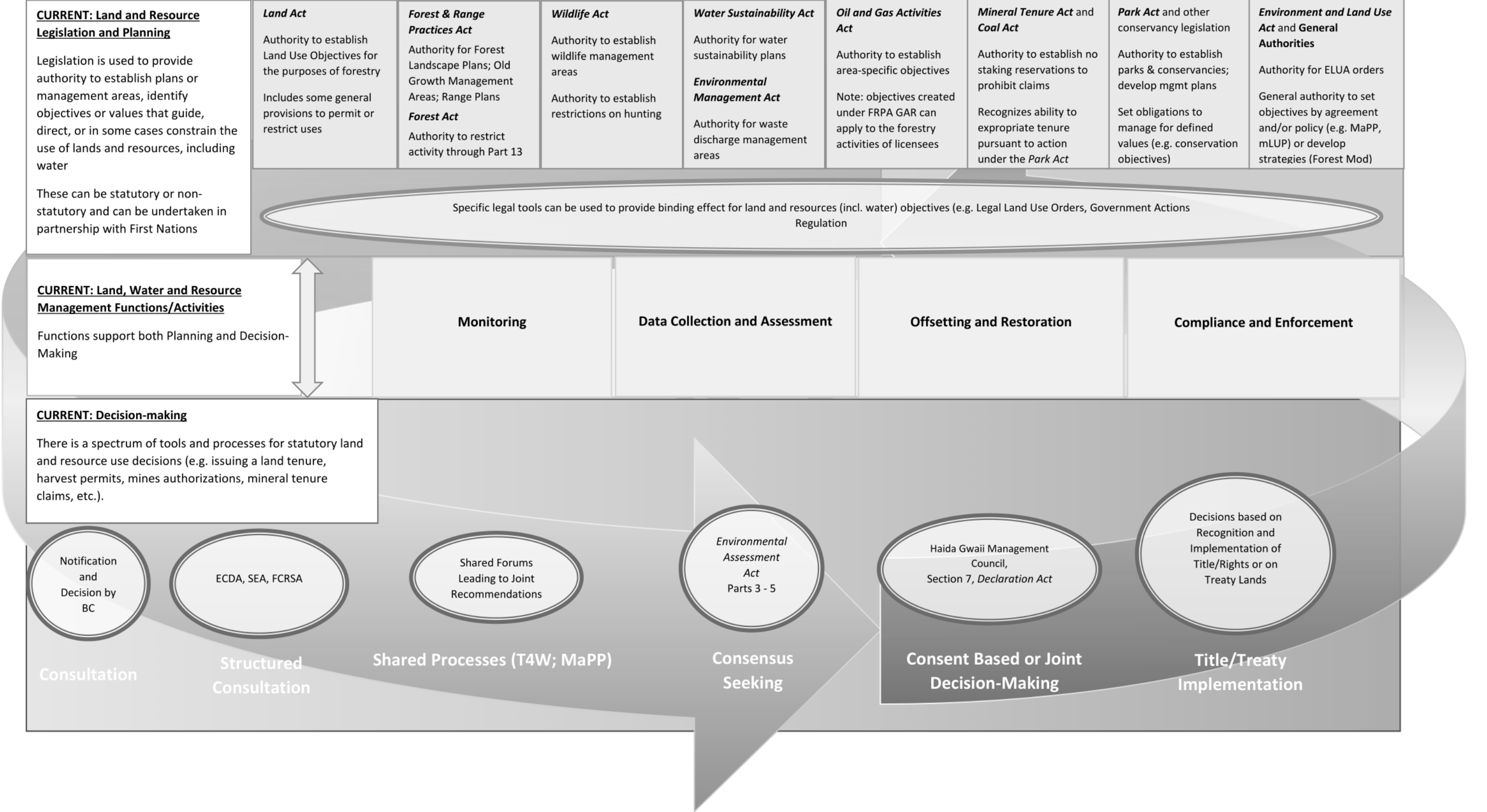
### 1. Current State Land and Resource Framework

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## BRIEFING NOTE FOR INFORMATION

**DATE:** September 29, 2022

**PREPARED FOR:** Minister of Land, Water and Resource Stewardship

**ISSUE:** Summary of Co-Management Guidance for the Natural Resource Sector

### BACKGROUND:

- The Ministry of Land, Water and Resource Stewardship (LWRS) has a mandate to co-develop a land and resource management framework with First Nations that will ensure natural resources are managed effectively now and into the future. Additionally, all ministries have a mandate to work towards, “lasting and meaningful reconciliation with Indigenous Peoples.”
- To advance these mandates, LWRS’ Reconciliation and Natural Resource Sector Policy Division is actively seeking funding and internal approval to co-develop with an Indigenous Co-Lead “guidance” (accessible and easy-to-read compendium of definitions, examples and process steps) that will offer tangible advice on how public servants and First Nations can work together and develop the relationship necessary to make progress towards co-management discussions on the land base and make decisions together.
- The language, definitions, processes, examples, and principles in the guidance will be informed by the lived experiences and insights of Provincial and First Nations practitioners in the field of co-management of land, water, and resources.
- This guidance is foundational to creating a path to co-management across the land-base and will support reconciliation discussions going forward by ensuring that the principles of a co-management discussion are co-developed and shared province wide.

### DISCUSSION:

Over the past 35 years, there have been many examples in British Columbia (BC) of Indigenous Governments and Organizations working with the Federal and/or Provincial Governments in Co-Management and on decision-making. There has been great success, but also attempts that for one reason or another did not work. The importance of learning from and not recreating the wheel is paramount, especially considering current and foreseeable capacity constraints at both the Indigenous and Crown levels of government.

Documents such as the United Nations Declaration of the Rights of Indigenous Peoples (UN Declaration), Truth and Reconciliation Commission – Calls to Action, and BC’s *Declaration Act* provide direction, but little tangible guidance on how provincial public servants and First Nations are to develop the relationship necessary to co-manage the land base and make decisions together. To do this work, in alignment with the mandate of LWRS and BC’s reconciliation commitments, requires a jointly developed starting point where provincial public servants and representatives from First Nations have shared and mutually endorsed “guidance” for co-management of lands, water and resources.

To be successful, the guidance must be co-developed with an Indigenous Co-Lead and jointly informed by the lived experiences of provincial public servants and First Nations practitioners who have participated in co-management/decision-making in the natural resource sector. Feedback and input from First Nations practitioners will be gathered through research, interviews, and a two-day workshop. Workshop attendance, and thus the guidance, will be representative of the perspectives of First Nations across the North, South and Coast areas of BC as well as Modern Treaty Nations.

By providing guidance around arrangements like shared decision-making, joint or consent-based agreements, and co-management, this initiative will support future policy development related to those areas and will align with key actions in the *Declaration Act Action Plan*, such as 2.6 and 2.7. It will also support negotiations of joint and consent-based agreements under section 7 of the *Declaration Act*, which aligns with Action 2.4 in the Action Plan. Most importantly, the guidance will promote effective management of the natural environment in partnership with First Nations governments.

### INDIGENOUS PEOPLES:

Conflicts on the land-base continue to rise with higher expectations of advancing the principles of the UN Declaration.

Advice/Recommendations: Intergovernmental Communications

Furthermore, the *Declaration Act* Action Plan institutes a five-year timeline (2022-2027) on the need to co-develop strategic-level policies, programs, and initiatives to advance collaborative stewardship of the environment, land, and resources (Action 2.6).

### SUMMARY:

While the proposed guidance will offer readers a roadmap of what is possible, actualization of co-management arrangements and partnerships between BC and First Nations will vary based on the respective circumstances (e.g., existing agreements and capacity) of both partners. The Project Team recognizes that matters such as Indigenous self-determination in their territories and reconciliation are a journey and that there is no one-size-fits-all approach.

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## BRIEFING NOTE FOR INFORMATION

**DATE:** September 29, 2022

**PREPARED FOR:** Minister of Land, Water and Resource Stewardship

**ISSUE:** shíshálh Nation and British Columbia to negotiate joint decision-making agreement

### BACKGROUND:

- Section 7 of the *Declaration on the Rights of Indigenous Peoples Act* (Declaration Act) enables the Province and Indigenous governing bodies to enter into joint or consent-based decision-making agreements that recognize Indigenous decision-making within the provincial statutory decision-making framework.
- On August 2, 2022, the Government of British Columbia (BC) and the shíshálh Nation announced their intention to negotiate a joint decision-making agreement on private and commercial dock tenures issued under the *Land Act* within the shíshálh swiya (territory/birthplace/world).
- This agreement will be the first 'joint' shared decision-making approach under Section 7 (and the second Section 7 Agreement).
- The first Section 7 agreement under the Declaration Act was a consent-based model with the Tahltan Central Government on key decisions related to the Eskay Creek Revitalization Project.
- Advice/Recommendations; Intergovernmental Communications
- Currently, provincial authorizations for dock tenures in shíshálh swiya are reviewed through a BC-shíshálh shared decision-making model where statutory decision-making authority remains with the Province.
- This joint decision-making agreement will build on work underway to advance shared decision-making in shíshálh territory since 2017, including the Foundation Agreement signed between BC and shíshálh in 2018.

### DISCUSSION:

Advice/Recommendations; Intergovernmental Communications



Advice/Recommendations; Intergovernmental Communications

**INDIGENOUS PEOPLES:**

This agreement with the shíshálh helps advance Action 2.4 of the *Declaration Act* Action Plan, which mandates that MIRR and LWRS negotiate new joint decision-making and consent agreements under Section 7 of the *Declaration Act* that includes clear accountabilities, transparency and administrative fairness between the Province and Indigenous governing bodies. It also advances Action 2.6 around collaborative stewardship of the environment, land, and resources and aligns with LWRS' mandate to develop a path forward with First Nations to build a co-managed land, water, and resource regime that will ensure natural resources are managed effectively now and in the future.

**SUMMARY:**

The agreement will support ongoing work to achieve long-term comprehensive reconciliation and land-use predictability by providing transparent requirements for dock applicants, mitigating ecological impacts to the foreshore, protecting archeological resources, and advancing collaborative management of shíshálh swiya.

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Page 164 of 475

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Page 165 of 475

Withheld pursuant to/removed as

Advice/Recommendations ; Cabinet Confidences

Page 166 of 475

Withheld pursuant to/removed as

Advice/Recommendations ; Cabinet Confidences

Page 167 of 475

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Advice/Recommendations ; Cabinet Confidences ; Government Financial Information

Page 168 of 475

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Advice/Recommendations ; Cabinet Confidences ; Government Financial Information

## BRIEFING NOTE FOR INFORMATION

**DATE:** 18 Sept 2022  
**PREPARED FOR:** Minister of Land, Water and Resource Stewardship  
**ISSUE:** Implementation of the First Nation Consultation System (FNCS)

### BACKGROUND:

- FNCS is the third and final deliverable under the Transforming First Nation Consultation Information project (the “project”). The other two deliverables are: Profiles of Indigenous Peoples (PIP) and the Agreements, Rights and Title System (ARTS). The three applications are integrated. PIP and ARTS are databases that provide information to FNCS about which nations to consult and what agreements and/or rights and titles court decisions are applicable.
- In 2013, the Natural Resource Sector Board provided approval for the project to build technology solutions for “...streamlining and coordinating consultation and accommodation practices...”. The scope included “creating an integrated corporate consultation system, consistent with provincial...procedures, which can accommodate...consultation agreements, and that can include regular...updates. The system will create spatial business objects which provide access to consultation records, decisions, spatial data and knowledge bases relating to consultation.”
- Strategic Consultation Initiatives (SCI) led the project in collaboration with the now Indigenous Relations Branch (IRB) at Ministry of Forests (FOR) and the branch now known as Natural Resource Information and Digital Services Division (NRIDS).
- FNCS supports consultation by replacing the steps of gathering information from several stand-alone systems and documenting consultations in local forms or files by centrally linking or pulling information and enabling documentation of consultations into one centralized system. It brings together proposed activities, information, maps, processes, into a unified system.
- It is estimated that FNCS will save about 13 steps and 6 1/2 hours of effort for a “normal” process while adding elements that support coordination within government, and more durable, transparent decisions.
- Testing and user feedback has been very positive and, netted recommendations for adding functionality and improving the user interface. SCI has established a process to track recommendations to support improvements when able.

### DISCUSSION:

The project team is confident that FNCS meets the intended goals for FNCS.

IRB (FOR) is leading implementation of the FNCS across the MOF regions. FNCS is being implemented with links to the Forest Tenure Administration and Resource Roads systems. FOR's South Coast region started using FNCS in October 2022. The Omineca region has started training and plan to be using FNCS mid November 2022.

Work is underway to link to other tenure administration systems. Advice/Recommendations

Advice/Recommendations

The process for implementing to other ministries is being discussed. Linking systems with and onboarding of other ministries to FNCS are key steps to government coordinating its efforts within government and with First Nations. In addition to efficiencies, the centralization of data from individual tenure systems will help provincial staff better understand the cumulative impact of decisions.

While FNCS is being rolled out to users, a review of the technical infrastructures of FNCS, PIP and ARTS has been initiated. The review will provide recommendations for the technology stack and strategies for moving forward regarding approaches to deployment, service design, new functionality/enhancements and addressing any fixes. The review will conclude in January 2023.

New functionality and enhancements may include: a dashboard service for First Nations, linking to First Nation owned systems, administration pages and, reporting features.

Positive feedback from testers and FOR trainees indicates the readiness of the system to support a range of business needs and use cases. Interest from FOR and other ministries is high.

#### INDIGENOUS PEOPLES:

First Nations were introduced to the pending dashboard service for them in a series of forestry workshops hosted by the former Ministry of Forests in 2018. Most recognized the potential benefit of a dashboard service.

#### NEXT STEPS:

Updates will be provided regarding:

- The status of implementation, and,
- Plans for future work on FNCS when confirmed.

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## BRIEFING NOTE FOR INFORMATION

**DATE:** September 29, 2022

**PREPARED FOR:** Minister of Land, Water and Resource Stewardship

**ISSUE:** Alignment of Laws and Relation to Declaration Act Secretariat

### BACKGROUND:

- Through Section 3 of the *Declaration on the Rights of Indigenous Peoples Act* (Declaration Act), government must, in consultation and cooperation with Indigenous Peoples, ensure new and existing provincial laws are consistent with the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration).
- Establishing a dedicated secretariat to coordinate government's reconciliation efforts and ensure new legislation and policies are consistent with the Declaration Act was a 2020 mandate letter commitment for the Minister of Indigenous Relations and Reconciliation.
- The Declaration Act Secretariat (DAS) was established in 2021 to provide assistance and guidance to ministries on meeting their consultation and cooperation obligations in the development of legislation, and in ensuring consistency with the UN Declaration.
- The Reconciliation and Natural Resource Sector (NRS) Strategic Policy division of Land, Water and Resource Stewardship (LWRS) provides leadership across the natural resource sector to support the effective operationalization and implementation of the Declaration Act, including working with the DAS on the alignment of NRS laws, policies and tools to advance reconciliation more effectively.

### DISCUSSION:

#### *Declaration Act*

Section 3 of the Declaration Act requires government, in consultation and cooperation with Indigenous peoples, to take all measures necessary to ensure the laws of British Columbia (BC) are consistent with the UN Declaration. 'All measures necessary' includes amending existing legislation and developing new legislation.

The requirement to align laws is a cross-government obligation, with each Minister responsible for ensuring their ministry's legislation is consistent with the UN Declaration and for undertaking appropriate consultation and cooperation with Indigenous peoples.

The Declaration Act phrase "consultation and cooperation" appears in the UN Declaration and carries the expectation of early engagement with Indigenous Peoples on decision-making processes affecting them. It further stipulates that Indigenous Peoples should have the opportunity to influence the outcome of or propose an alternative approach to the government proposal.

Indigenous Peoples in the context of the Declaration Act has the same meaning as Aboriginal peoples in section 35 of the *Constitution Act, 1982* – First Nations, Métis, and Inuit Peoples. As such, processes of consultation and cooperation need to be broad and inclusive. However, the Province is also committed to a distinctions-based approach, and ensuring this work is considered through a Gender Based Analysis+ lens. This requires an approach that acknowledges the specific rights, interests, and priorities of First Nations, Métis, and Inuit Peoples in BC, and respects their unique cultures, histories, rights, laws and governments. For example, there will be proposals relating to land and resource matters, where only First Nations will be directly involved in any policy or legislative development.

#### *Role of LWRS in alignment of laws*

LWRS has a mandate letter commitment to work with First Nations to develop and a path forward to build a co-managed land and resource management regime. A similar commitment is included in the Declaration Act Action Plan (Action 2.4 and 2.6) and Action 3, Goal 1 of the Concrete Actions (see appendix).

Despite the specific mandate for LWRS, all natural resource ministries are engaging with First Nations on a variety of co-management arrangements in all aspects of land and resource management, including potential legislative amendments or new legislation. A coordinated approach is required to support reaching a shared goal for a co-managed land and resource management regime.

The NRS Strategic Policy and Legislation branch of LWRS is providing legislative and policy capacity for all Divisions in the Ministry and across the NRS to support cross-sector projects and policy analysis. This includes creating a cohesive and efficient approach to working with the Declaration Act Secretariat.

#### *Declaration Act Secretariat*

The purpose of the DAS is to coordinate and assist the cross-government effort to work in consultation and cooperation with Indigenous peoples to align provincial laws with the UN Declaration, as per section 3 of the Declaration Act (see Appendix 2).

The DAS has identified several priority areas which include:

- Engaging with First Nations regarding the Secretariat and the process for alignment of laws
- Developing and advancing a framework for alignment of laws
- Seeking and developing guidance and clarity, including standards, processes and tools for consultation and cooperation as well as distinctions-based guidance

The Reconciliation and NRS Strategic Policy division is in the process of clarifying roles and responsibilities with the Declaration Act Secretariat, to ensure an effective approach to alignment of laws across the natural resource sector.

## INDIGENOUS PEOPLES:

Alignment of laws is a commitment to working with Indigenous peoples to ensure the standards of the UN Declaration are upheld in provincial legislation, through meaningful processes of consultation and cooperation. This has resulted in a significant shift in how ministries are engaging with Indigenous peoples on policy and legislation, resulting in earlier engagements with a broader number of Indigenous peoples and partners.

## SUMMARY:

- The Declaration Act affirms the UN Declaration as the Province's framework for reconciliation.
- The work to align provincial legislation with the UN Declaration is a shared responsibility across ministries and must be undertaken in consultation and cooperation with Indigenous Peoples.
- Creating a good working relationship with the Declaration Act Secretariat is integral to how the NRS and Indigenous peoples and partners achieve the goals of legislative alignment.

## Attachment(s):

1. BC/FNLC Concrete Actions
2. Declaration Act Secretariat Overview
3. The Interim Approach

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## REVIEWED BY:

|                  | Initials | Date               |
|------------------|----------|--------------------|
| DM               | LH       | October 19, 2022   |
| ADM              | CW       | September 26, 2022 |
| Program Dir/Mgr. |          |                    |

# Joint Agenda: Implementing the Commitment Document

## Concrete Actions: Transforming Laws, Policies, Processes and Structures

To implement the Commitment Document, and to achieve the Vision, Guiding Principles, Goals and Objectives, First Nations and British Columbia (BC) need to establish new institutions, processes and structures based on recognition of Indigenous rights, to support/facilitate reconciliation efforts, enable new negotiations and dispute resolution approaches, and provide capacity and governance development support to First Nations and BC.

To enable and enact new processes and structures, the Province and First Nations will review policies, programs, and legislation to align with the *United Nations Declaration on the Rights of Indigenous Peoples* ("Declaration"), the Truth and Reconciliation Commission Calls to Action, and *Tsilhqot'in* and other case law. In addition, the Government of Canada has roles to play which must be engaged.

Simply stated, reconciliation and transformative change will occur through concrete action, not mere verbal commitments.

The following concrete actions have been identified as *initial* priorities: Indigenous Nations & Governance Building; Legislative, Policy and Practice Review and Reform; New Approaches to Effective Negotiations and Dispute Resolution; and, Reconciliation in BC. These actions will be implemented through joint processes that are agreed to by First Nations and BC and are co-governed by the Premier/Ministers and the First Nations Leadership Council. The First Nations Leadership Council and BC will engage Canada as appropriate and are committed to engaging and informing stakeholders and non-Indigenous communities on concrete actions. This multi-year work is focused primarily on systemic change and is laid out below with concrete outcomes proposed for the next three years of work.





## **ACTION 1: Implement United Nations Declaration on the Rights of Indigenous Peoples**

### **Goal 1:**

Explore options for legislation to establish United Nations Declaration on the Rights of Indigenous Peoples as legislated foundation for relationship.

- Jointly develop provincial legislation (not dissimilar to federal private members bill C262) to establish the UN Declaration as the foundation and coherent path for Crown-Indigenous relations and reconciliation in British Columbia, including aligning provincial law and policy with the UN Declaration and Indigenous rights.
- Jointly review provincial law and policy as per the Commitment Document and related Vision, Guiding Principles, Goals and Objectives.

### **Outcomes:**

We endeavour that, by no later than fall 2019, legislation will be in place establishing the UN Declaration as a legislative foundation supporting a provincial action plan forward to engage in reconciliation activities with First Nations Leadership Council and BC First Nations, including reviewing and aligning provincial laws and policies with the UN Declaration and to respect Indigenous rights.

## **ACTION 2: Indigenous Nations & Governance Building**

First Nations have long identified the need for support to rebuild and strengthen their Nations and to evolve their governance. This work is required to support a robust, constructive and progressive government-to-government relationship with the Crown.

### **Goal 1:**

Establish an Indigenous commission: designed, established and driven by First Nations, to provide certain supports to First Nations, respectful and reflective of, and consistent with, First Nations' rights of self-government and self-determination. The commission would provide a range of processes and options that First Nations may opt-in to use, from non-binding to binding outcomes. The commission would support First Nations upon request with respect to:

1. boundary resolution, in accordance with First Nations' respective laws, customs, and traditions; and
2. nation and governance building including:
  - a. constitution development,
  - b. territory decision-making and land use/territory planning,
  - c. law-making,
  - d. policy development, and
  - e. development of political institutions, consistent with principles of the proper title and rights holder.

Once established, it is expected that both the federal and BC provide the necessary, sustainable resources/funding for the effective functioning of the independent commission.

### **Outcomes:**

Provide First Nations leadership with models for the creation of the independent commission by end of Year One.  
Establishment of independent Commission by Year Three.



### **ACTION 3: Strong Government-to-Government Relationships**

#### **Goal 1:**

##### Jurisdictional and Intergovernmental Relations:

We are committed to strong and valued government-to-government relationships, in the context of section 35 and the Declaration. New government-to-government relationships require new approaches and models to the co-existence and exercise of our respective jurisdictions, including strategic level planning, decision-making and management roles and responsibilities. This relationship is important for all levels of government, municipal, provincial and federal.

Design and implement new models of:

- strategic planning, including land use planning;
- decision-making approaches, models and structures;
- management; and
- inter-governmental relations and understanding of jurisdictions and accountabilities that recognize Aboriginal title and rights and the Declaration.

#### **Outcomes:**

TBD (target: Begin May 2018)

#### **Goal 2:**

##### Strengthening the Economy and Renewed

##### Fiscal Relationship:

The Commitment Document identifies a key theme of strengthening the economy. A new government-to-government relationship requires new approaches and models to the co-existence and exercise of our respective jurisdictions, and for the sharing and distribution of revenues. This relationship is important for all levels of government, municipal, provincial and federal.

Design and implement new model(s) of fiscal relations, including a systemic fiscal mechanism, consistent with the guiding principles of this framework, including:

- Recognizing the economic component of Aboriginal title;
- Recognizing First Nations as key players and drivers in the economic landscape;
- Recognizing that all governments require multi-streams of revenues to support their capacity to be strong and effective in serving their citizens and, so, a full range of options are to be identified;
- Recognizing accountabilities associated with government operations;
- The shared objective of achieving and maintaining strong local, regional and provincial economies;
- The shared objective of closing the socio-economic gap.

#### **Outcomes:**

By end of Year One, model for gaming revenue sharing for implementation, and possible other models/mechanisms for revenue sharing for implementation; draft model of renewed fiscal relationship.

By end of Year Two, provide possible model(s) of jurisdictional relations with options for implementation for review by the parties.



## **ACTION 4: Legislation, Policy and Practice Review and Reform**

The evolution of section 35 and the objective of advancing reconciliation requires systemic shifts that reflect the existence of Aboriginal title and rights. These shifts will broaden the space for government-to-government relationships and for both Indigenous and Crown decision-making.

### **Goal:**

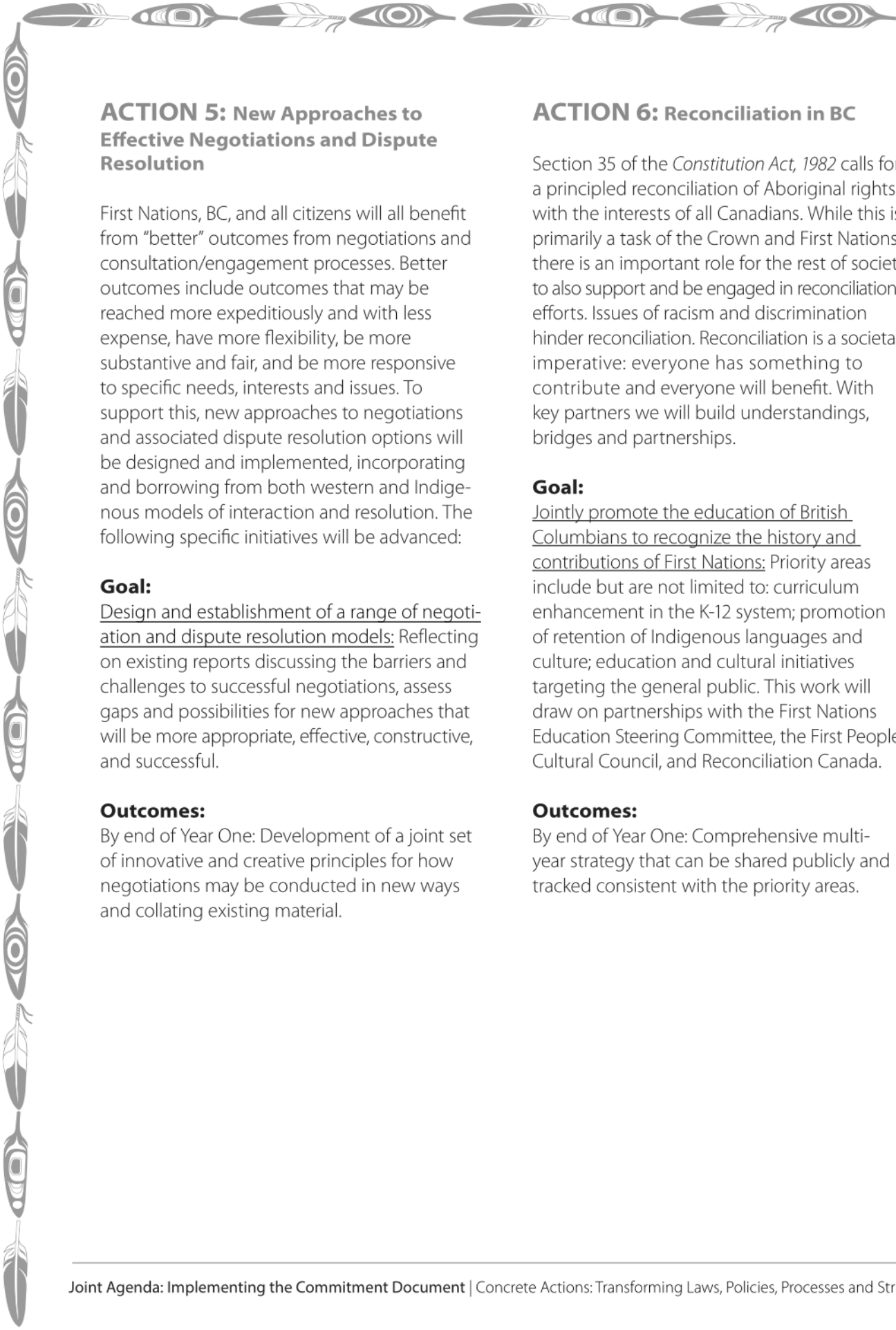
Establish a joint legislative and policy review table to oversee initial subject-matter priorities as identified below: The table will identify priority legislative, policy and practice barriers that are systemic obstacles to reconciliation (e.g. prevent certain shared decision-making models from taking place, prevent or hinder effective engagement, limit available tools for reconciliation or accommodation). Initial subject-matters where substantive work is underway and which can create space for reconciliation and achieving progress include child welfare, environmental assessment and forestry:

1. *Indigenous Child and Family Jurisdiction and Self-Government:* BC is prepared to engage in a process with First Nations for designing and implementing First Nations exercise of jurisdiction over Indigenous children and families. The process will necessarily include First Nations, Delegated Aboriginal Agencies and other service providers, including those created through the previous Indigenous Approaches program, as well as the Federal government. The work will take into account the work underway by the First Nations Health Council through their MOU with BC, on regional strategies and priorities related to the social determinants of health, as developed and approved by each Regional Caucus, to identify key outcomes for joint review and action with the FNLC.

2. *Environmental Assessment:* The need for innovation and change in environmental assessments has been long identified as an area where reconciliation may be advanced. This will take into account work underway by the First Nations Energy and Mining Council and the Environmental Assessment Office and direction that has been provided by First Nations leadership. Environmental assessment processes must be reflective of First Nations title and rights. The Government of Canada is embarking on reform of the *Canadian Environmental Assessment Act*, and related statutes.
3. *Forestry:* Consider statutes and policy in the forestry sector, taking into account work underway by the Forestry Council and BC and direction that has been provided by First Nations leadership, and evaluate options for reform.
4. *Land Use/Territory Planning:* Consider legislation and policy development and/or amendments to support First Nations land use/territory planning with legal recognition by the Crown.

### **Outcomes:**

By end of Year One: Key strategies for implementation of changes to legislation or published policies in the three (3) identified priority areas, and preliminary components for an implementation plan in each of the three (3) identified priority areas. Subject to progress, identify future priority areas to be addressed.



### **ACTION 5: New Approaches to Effective Negotiations and Dispute Resolution**

First Nations, BC, and all citizens will all benefit from “better” outcomes from negotiations and consultation/engagement processes. Better outcomes include outcomes that may be reached more expeditiously and with less expense, have more flexibility, be more substantive and fair, and be more responsive to specific needs, interests and issues. To support this, new approaches to negotiations and associated dispute resolution options will be designed and implemented, incorporating and borrowing from both western and Indigenous models of interaction and resolution. The following specific initiatives will be advanced:

#### **Goal:**

Design and establishment of a range of negotiation and dispute resolution models: Reflecting on existing reports discussing the barriers and challenges to successful negotiations, assess gaps and possibilities for new approaches that will be more appropriate, effective, constructive, and successful.

#### **Outcomes:**

By end of Year One: Development of a joint set of innovative and creative principles for how negotiations may be conducted in new ways and collating existing material.

### **ACTION 6: Reconciliation in BC**

Section 35 of the *Constitution Act, 1982* calls for a principled reconciliation of Aboriginal rights with the interests of all Canadians. While this is primarily a task of the Crown and First Nations, there is an important role for the rest of society to also support and be engaged in reconciliation efforts. Issues of racism and discrimination hinder reconciliation. Reconciliation is a societal imperative: everyone has something to contribute and everyone will benefit. With key partners we will build understandings, bridges and partnerships.

#### **Goal:**

Jointly promote the education of British Columbians to recognize the history and contributions of First Nations: Priority areas include but are not limited to: curriculum enhancement in the K-12 system; promotion of retention of Indigenous languages and culture; education and cultural initiatives targeting the general public. This work will draw on partnerships with the First Nations Education Steering Committee, the First Peoples Cultural Council, and Reconciliation Canada.

#### **Outcomes:**

By end of Year One: Comprehensive multi-year strategy that can be shared publicly and tracked consistent with the priority areas.



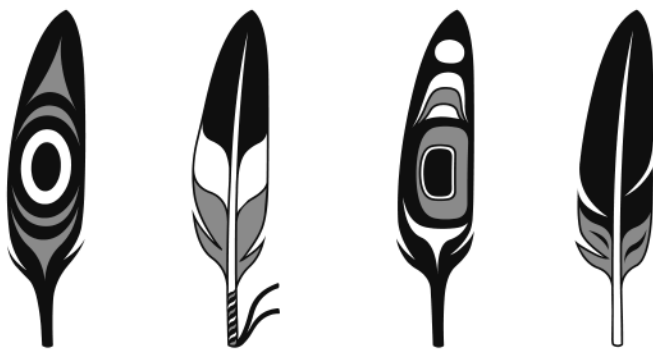


## Implementation & Engagement

The Commitment Document sets out a proposed implementation and engagement process which includes First Nations engagement, BC Government engagement, Business and Industry Engagement, Federal Government Engagement, and Public Awareness and Other Stakeholders.

A Joint Core Working Group has been established comprised of senior officials from BC and the First Nations Leadership Council, and is seeking active participation from the federal government.

The Joint Core Working Group will develop a Terms of Reference and a budget by November 1, 2016, to advance work on all actions identified and ensure achievement of the outcomes. The Working Group may draw on additional expertise as needed and may establish sub-committees as needed to carry out the work.



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# Declaration Act Secretariat

**Purpose:** To coordinate and assist the cross-government effort to work in consultation and cooperation with Indigenous peoples to align provincial laws with the UN Declaration as per section 3 of the Declaration Act:

## *Measures to align laws with Declaration*

*"In consultation and cooperation with the Indigenous peoples in British Columbia, the government must take all measures necessary to ensure the laws of British Columbia are consistent with the Declaration."*

## Core Functions:

- Focus on Section 3 of the Declaration Act by providing assistance and guidance to ministries to:
  - Meet consultation and cooperation obligations in the development and reform of legislation
  - Ensure alignment of provincial legislation with the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).
- Develop processes and measures to support the alignment of laws.
- Inform government's legislative agenda.
- Engage with Indigenous Peoples to gather input on:
  - their experiences working with ministries in the alignment of laws, and
  - to facilitate systemic shifts to ensure the obligations under Section 3 can be met.

## Organizational Structure:

- Reports to the Minister of Indigenous Relations and Reconciliation
- Independent - **Distinct from Ministry of Indigenous Relations and Reconciliation**
- Estimated 18-22 staff - **Focused on Indigenous recruitment**
- Budget is 12M over 3 years
- Supported by Advisory Forum

## Initial Priorities:

1. **Develop cross-government guidance and advice on consultation and cooperation**
  - Includes development of an interim process on involving Indigenous Peoples in legislative and policy development.
2. **Establish a framework for advancing both “cross-statute” and “statute-specific” legislative priorities**
  - “Cross-statute” examples: Interpretation Amendment Act 2021, Anti-Racism Data Act 2022.
  - “Statute-specific” examples: Heritage Conservation Act, Police Act, Section 7 enabling.
  - In addition, the Secretariat is expected to be engaged on select legislative initiatives as “demonstration projects”.
3. **Develop measures and processes through which a review of laws will take place**
4. **Recommend for Cabinet approval which laws to prioritize for comprehensive alignment with the UN Declaration**
  - Together with Ministries, and
  - In consultation and cooperation with Indigenous Peoples.
5. **Maintain a schedule**, based on input from ministries, Indigenous peoples and organizations, that identifies the existing laws that are a priority for review and alignment with the UN Declaration.

## Achieve Priorities:

The Secretariat will be focused on creating pathways forward through complexity.

The Secretariat will do this by:

- **Developing a three-year plan**
- **Engaging with First Nations** regarding the Secretariat and the process for alignment of laws, and for consultation and cooperation.
- **Developing and advancing a framework for alignment of laws**
  - Cross-statute alignment
  - Statute-specific or sector-specific alignment
  - Supporting legislative initiatives and progress
  - Proactive alignment through a set of priority statutes
- **Seeking and developing guidance and clarity**
  - Standards, processes, tools for consultation and cooperation
  - Distinctions-based guidance
- **Building relationships and credibility**
  - Including Indigenous-exclusive hiring
  - Direct engagement with First Nations and Indigenous Organizations.

## Contact us:

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## Interim Approach to Implementing the Requirements of Section 3 of the *Declaration on the Rights of Indigenous Peoples Act*

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Prepared by the Declaration Act Secretariat

### Purpose

Section 3 of the *Declaration on the Rights of Indigenous Peoples Act* requires that Province “in consultation and cooperation with Indigenous peoples” take “all measures necessary” to ensure consistency between the laws of British Columbia and the *United Nations Declaration on the Rights of Indigenous Peoples*.

Implementing section 3 means that the Province must work to ensure better consistency and clarity of process for involving Indigenous peoples<sup>1</sup> in policy and legislative development. The Province is developing measures to achieve this through multiple venues, including working directly with First Nations on a government-to-government basis, including implementing treaties, agreements, and other constructive arrangements, as well as through on-going work with the Alliance of BC Modern Treaty Nations<sup>2</sup> (ABCMTN), First Nations Leadership Council<sup>3</sup> (FNLC), and Métis Nation BC<sup>4</sup> (MNBC). This includes measures that were evolving through current Ministry-specific policy and legislative development processes. All of this work must be distinctions-based, including as stated in the Draft 10 Principles, the Declaration Act, and the Declaration Act Action Plan.

The Declaration Act Secretariat<sup>5</sup> supports routine cross-government measures, that will ultimately constitute a reformed process, for including Indigenous peoples in policy and legislative development. It is also recognized that while those measures are being fully developed, interim guidance for public servants is needed as the obligations in section 3 of the Declaration Act are in force.

This document provides **interim guidance** for implementing section 3 of the Declaration Act and, in particular, regarding approaches for involving Indigenous peoples in policy and legislative development. This is an interim document; it may be updated periodically to incorporate additional information and guidance from the Declaration Act Secretariat. All ministries needing guidance and advice regarding the

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<sup>1</sup> Consistent with section 35 of the Constitution Act, 1982 and section 1 of the Declaration Act, the term “Indigenous Peoples” includes First Nations, Métis and Inuit Peoples in Canada.

<sup>2</sup> The Shared Priorities Framework, signed in March 2022 between British Columbia and the members of the Alliance of BC Modern Treaty Nations, renews a commitment to timely, effective and appropriately resourced implementation of modern treaties with broad outcomes that included meaningful involvement of modern treaty nations in legislative and policy initiatives.

<sup>3</sup> The First Nations Leadership Council acts pursuant to mandates provided by Title and Rights Holders, including through resolutions passed through the member organizations of the FNLC.

<sup>4</sup> The October 27, 2021, Letter of Intent between Métis Nation British Columbia (MNBC) and the Province proposes a new whole-of-government approach to Métis relations as a partnership between MNBC and British Columbia that respects Métis self-determination.

<sup>5</sup> The development of the Secretariat is directed in the mandate letter (2020) of the Minister of Indigenous Relations and Reconciliation.

understanding and implementation of the policy contained in this document should contact the Declaration Act Secretariat.

## Context

The UN Declaration is the most comprehensive international human rights instrument to explicitly address the human rights of Indigenous peoples.

The UN Declaration:

“...emphasizes the rights of indigenous peoples to maintain and strengthen their own institutions, cultures and traditions and to pursue their development in keeping with their own needs and aspirations. It establishes an important standard for eliminating human rights violations against Indigenous peoples worldwide and for combating discrimination and marginalization.”<sup>6</sup>

The UN Declaration has 46 articles that constitute the “minimum standards for the survival, dignity and well-being of the indigenous peoples of the world” and “elaborates on existing human rights standards and fundamental freedoms as they apply to the specific situation of indigenous peoples”. The UN Declaration is to be read as a whole; the rights and standards within it are interconnected. They cannot be isolated from one another or chosen between.

The UN Declaration also contains direction to States (e.g. Crown governments), on how to develop policy and legislation.

Article 19:

States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions **in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures** that may affect them.

Article 38:

States in consultation and cooperation with indigenous peoples, shall take the appropriate measures, including legislative measures, to achieve the ends of this Declaration.

The importance of the UN Declaration was reinforced in 2015 in the Truth and Reconciliation Commission of Canada’s Call to Action 43:

43. We call upon federal, provincial, territorial, and municipal governments to fully adopt and implement the United Nations Declaration on the Rights of Indigenous Peoples as the framework for reconciliation.

The Declaration Act reflects the role of the UN Declaration as the framework for reconciliation.<sup>7</sup>

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<sup>6</sup> [https://www.un.org/esa/socdev/unpfii/documents/Declaration\\_ip\\_pressrelease.pdf](https://www.un.org/esa/socdev/unpfii/documents/Declaration_ip_pressrelease.pdf)

<sup>7</sup> The federal United Nations Declaration on the Rights of Indigenous Peoples Act also reflects the role of the UN Declaration as the framework for reconciliation, as called for by the Truth and Reconciliation Commission Call to Action 43.

The purposes of the Declaration Act are to:

- Affirm the application of the UN Declaration to the laws of B.C.;
- Contribute to the implementation of the UN Declaration in B.C.; and
- Support the affirmation of, and develop relationships with, Indigenous governing bodies.

The Declaration Act requires the Province, in consultation and cooperation with Indigenous peoples, to:

- Ensure provincial laws are consistent with the UN Declaration (section 3);
- Develop and implement an action plan to achieve the objectives of the UN Declaration (section 4); and
- Monitor progress through public annual reporting (section 5).

Key terms in the Declaration Act include:

**“Indigenous peoples”** has the same meaning as aboriginal peoples in section 35 of the *Constitution Act, 1982* (note that this term includes First Nations, Inuit and Métis peoples);

**“Indigenous governing body”** means an entity that is authorized to act on behalf of Indigenous peoples that hold rights recognized and affirmed by section 35 of the *Constitution Act, 1982*.

The Declaration Act sets out a process for the Province to enter into agreements with Indigenous governing bodies, including joint or consent-based decision-making agreements (sections 6 and 7). The following link provides guidance on [Indigenous governing bodies](#).

The phrase **“consultation and cooperation”** in the Declaration Act is taken from the UN Declaration and its meaning has been the subject of advice from the United Nations Expert Mechanism on the Rights of Indigenous Peoples:

“Use in the [UN] Declaration of the combined terms “consult and cooperate” denotes a right of indigenous peoples to influence the outcome of decision-making processes affecting them, not a mere right to be involved in such processes or merely to have their views heard. It also suggests the possibility for indigenous peoples to make a different proposal or suggest a different model, as an alternative to the one proposed by the Government or other actor.”<sup>8</sup>

As such, the Province must approach policy and legislation development that may affect Indigenous peoples in a manner that ensures Indigenous peoples are fully involved partners in the process and have opportunities to influence the outcome of matters that may affect them.

## Interim Process for Implementing Section 3

The guidance in this section focuses on the process for developing policy and legislation to ensure the requirements in section 3 of the Declaration Act are met. As the Province is continuing to develop measures to implement section 3, the guidance in this section should be considered interim. It will be updated and supplemented as the work of implementing the Declaration Act in consultation and

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<sup>8</sup> United Nations, General Assembly, Human Rights Council, *Study of the Expert Mechanism on the Rights of Indigenous Peoples: Free, prior and informed consent: a human rights-based approach*, [A/HRC/39/62](#) (10 August 2018) at para. 15.

cooperation with Indigenous peoples continues. The Declaration Act supports ministries in implementing this guidance, as well as the development of additional measures for implementing section 3. Additionally, ministries should seek guidance from the Indigenous Legal Relations Solicitors Unit (NATRIL) within the Legal Services Branch (MAG), as well as ministry-specific legal counsel, throughout the application of this interim process.

The interim process has been developed through on-going efforts to effect consultation and co-operation with Indigenous peoples during the development of policy and legislation. The experiences of ministries in working with Indigenous peoples on policy and legislative change since the passage of the Declaration Act have informed the development of this guidance.<sup>9</sup>

The following diagram (Append 1) illustrates the interim process for working with Indigenous peoples in the development of policy and legislation. This interim process is intended to support new approaches to collaboration, information sharing and drafting that bring in the Indigenous perspectives to build a shared understanding of the effect of the policy and legislation on Indigenous people's rights or interests and ensure that policies and laws are developed or amended to be consistent with the UN Declaration.

### **See Appendix 1**

The diagram identifies **5 points in time** where involvement of Indigenous peoples takes place in the development of policy and legislation.

#### **1: Initiate Policy Exploration and Establish Consultation and Cooperation Plan**

At the earliest stage of policy development for potential legislation – when the Province is identifying the problem statement (what is the issue or problem we are trying to address or solve through potential policy and legislation?) - dialogue with Indigenous peoples is required. Dialogue at this stage is to identify priorities, begin to consider how the policy and potential legislation may affect Indigenous peoples, and begin to identify how it may be consistent with the UN Declaration.

There is no single, prescriptive approach to how this vitally important early engagement may take place. What is required will vary, depending on how the policy being developed and how potential legislation may affect Indigenous peoples. It may be that early engagement will include a range of measures (e.g., meetings, workshops, correspondence) to share information and dialogue with First Nations, other Indigenous peoples, and Indigenous organizations, taking the required distinctions-based approach<sup>10</sup>. For example, it may often be appropriate to also work not only with Indigenous peoples, but also in

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<sup>9</sup> Some examples of recent processes that have illustrated certain current effective practices include: MCFD's "Letter of Commitment" of how they will work with the FNLC; the process for the development of the Anti-Racism legislation; and the process used to develop the Declaration Act itself.

<sup>10</sup> The distinctions-based approach requires that the Province's dealings with First Nations, Métis and Inuit Peoples be conducted in a manner that acknowledges the specific rights, interests, priorities and concerns of each, while respecting and acknowledging these distinct Peoples with unique cultures, histories, rights, laws, and governments. Section 35 of the Constitution Act, 1982, recognizes and affirms the rights of Aboriginal Peoples of Canada, while all Indigenous Peoples have human rights that are expressed in the UN Declaration. However, not all rights are uniform or the same among or between all Indigenous Peoples. In many cases, a distinctions-based approach will require that the Province's relationship and engagement with First Nations, Métis and Inuit Peoples include different approaches or actions and result in different outcomes.

collaboration with political and advocacy organizations established by Indigenous Peoples, and sectoral organizations, with whom the Province has established relationships and processes that continue to evolve<sup>11</sup>.

It is important to understand that legislation or policy of “general application” may affect Indigenous peoples, as indicated by the United Nations:

It would be unrealistic to say that the duty of States to consult directly with Indigenous peoples through special, differentiated procedures applies literally, in the broadest sense, whenever a State decision may affect them, since almost all legislative and administrative decisions that a State adopts may affect the Indigenous peoples of the State along with the rest of the population in one way or another. Rather, ... it applies whenever a State decision may affect Indigenous peoples in ways not felt by others in society. Such a differentiated effect occurs when the interests or conditions of indigenous peoples that are particular to them are implicated in the decision, even when the decision may have a broader impact, as in the case of certain legislation.<sup>12</sup> (emphasis added)

For example, land and resource policy and legislation may affect First Nations in particular ways due to their rights and interests relating to land in their traditional territories (see Articles 26 and 29 of the UN Declaration) and identifying and addressing these impacts will require a distinctions-based approach. As well, legislation dealing with children in care affects Indigenous peoples in particular ways, given the ongoing impact of colonialism on Indigenous societies and relevant UN Declaration standards relating to children (see, for example, UN Declaration Article 7.2 and TRC Calls to Action 1 to 5).

The potential to affect Indigenous peoples gives rise to the need to engage in dialogue with Indigenous peoples to determine whether and how they wish to be involved in developing policy or laws, to ensure consistency with their human rights set out in the UN Declaration, which may include co-development of proposed policy and legislation, through actions in the other points in time in the interim legislative process.

Once it is determined that the proposed policy or legislation may affect Indigenous peoples, effective processes for Indigenous peoples to participate in developing policy and legislation must be implemented. There is no single model for this consultation and cooperation. How processes may look will vary depending on the nature, scope, and potential effects of the proposed policy or legislation and what Indigenous peoples have indicated are substantive or process priorities through early engagement. As well, a distinctions-based approach must always be followed.

Approaches to consultation and cooperation are informed by, but not limited to, the following:

- The subject-matter of the policy or legislation being developed and how it relates to Indigenous peoples or their rights (e.g. engagement relating to land and resources is often more specific to

<sup>11</sup> Ministries should seek guidance from MAG and MIRR at this stage on any MOU's or established protocols or processes that may be engaged by the evolving policy proposal, including those with First Nations, FNLC, First Nations Organizations, ABMTN, MNBC, and urban Indigenous organizations.

<sup>12</sup> United Nations, General Assembly, Human Rights Council, Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, James Anaya: Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development, A/HRC/12/34 (15 July 2009) (*Report of the Special Rapporteur 2009*) at para. 43.



First Nations, while engagement on social sector initiatives will include not only First Nations, but potentially First Nation organizations, Inuit or Métis peoples);

- The level of interest in the proposed policy and legislation indicated by Indigenous peoples;
- The desired degree and form of engagement as indicated by Indigenous peoples and partners;
- Existing commitments, treaties, agreements or other constructive arrangements with Indigenous peoples and Indigenous governing bodies, which include obligations and must be considered when relevant to the policy issue or situation;<sup>13</sup> and
- Crown obligations under section 35(1) of the Constitution Act, 1982 (e.g. upholding the honour of the Crown).

In situations where mechanisms and processes for engagement are not in place, they should be jointly determined with Indigenous partners. It is important to establish clear expectations around matters such as process, mandates, development of documents, tracking of outcomes, and funding. Ensure there is adequate time for consultation and cooperation.

Determining who should be involved in consultation and co-operation is also vitally important. Indigenous peoples, as rights holders, must be the focus of consultation and co-operation. However, not all Indigenous peoples will choose to be involved in the same way. Issues that are priorities for some, and priorities for the Province, may be determined by some Indigenous peoples to not be a priority for them. As well, a distinctions-based approach must be applied. For example, there will be circumstances and contexts, such as with respect to land and resource matters, where only First Nations will be part of the process of development of the policy and legislation.

As a general practice as well, any process of consultation and cooperation should accommodate multiple ways for Indigenous peoples to be involved. It should never be presumed (or imposed) that Indigenous peoples will all choose to be involved in the same way, and it is not for the Province to impose modes of involvement.

To establish who should be involved in the consultation and cooperation, consider the following:

- Determine how both Indigenous peoples and their organizations should be involved. For instance, in some cases First Nations' political leadership collaborate with First Nation organizations for technical and subject matter expertise. Be sure to understand how Indigenous organizations relate to leadership and the peoples they represent.

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<sup>13</sup> The Government of B.C.'s website provides a list of [modern treaties](#), historic treaties and [reconciliation and other agreements](#). In addition, historic treaties (the "Douglas" or "pre-confederation" treaties on Vancouver Island and Treaty 8 in the northeast) and modern treaties contain treaty rights that are protected under section 35 (1) of the Constitution.

- Seek internal advice from those who understand the complexities and dynamics of collaborating with Indigenous peoples on policy and legislation – this includes the Declaration Act Secretariat, regional staff that work closely with Indigenous partners or Indigenous Relations and Affairs units across ministries.
- Seek internal advice on required protocols and practices in place through treaties, agreements, and other constructive arrangements.
- Seek guidance from Indigenous partners on how to respect any Indigenous protocols, traditions, governance processes, laws and jurisdiction.
- Seek internal advice on any legal matters that may have to be addressed through working with the Indigenous Legal Relations Solicitors Unit (NATRIL) within the Legal Services Branch (MAG), as well as Ministry-specific legal counsel.
- While some ministries will have existing relationships with Indigenous partners, others may not. Seek cross-ministry dialogue across relevant sectors to learn more about established relationships where they exist, and to support this collaborative work in an effective and efficient way.
- Seek clarity and understanding of how to appropriately engage the diversity of voices among engaged Indigenous partners. This includes opportunities beyond governance structures (e.g. hereditary and elected leaders) to an intersectional approach that could engage Indigenous women, Elders and youth, persons with disabilities, organizations that serve urban Indigenous populations and other subject matter experts and impacted peoples within an Indigenous community. This helps ensure that all relevant Indigenous peoples have participated.
- Seek guidance from other subject matter experts (e.g. youth) of the Indigenous peoples you have determined should be involved in your process.
- Always apply a distinctions-based process.

Finally, it is critically important to remember that any consultation and cooperation plan ministries develop must contemplate what might be done throughout the entire development of policy and legislation – through all of the points in time outlined in the interim process for implementing section 3 (see Appendix 1 – Interim Legislative Process). As such, all the points in time must be considered in developing the consultation and cooperation plan.

## 2: Development of Request for Decision

Based on the early development of policy and the on-going implementation of the consultation and cooperation process a “**Request for Decision**” (RFD) will be developed. A request for decision must be informed by the early exploration of policy ideas with Indigenous peoples, provide clarity on the particular policy areas engaged by the proposed policy or legislation, examine how the proposed policy

may affect Indigenous peoples and is consistent with the UN Declaration, and provide clarity on the expected legislative timeline.

Requests for Decision can be jointly prepared with Indigenous peoples (also known as co-development), and the work done at points 1 and 2 will determine when it is necessary and appropriate to undertake this joint development. In some instances, such as where document for Cabinet are being developed and shared, confidentiality protocols will be necessary<sup>14</sup>.

It may also be the case that First Nations organizations may play a direct role in supporting how consultation and co-operation takes place in the development of the Request for Decision, based on their mandates from First Nations. For example, often this may include the legal and policy teams of the FNLC being actively engaged in the joint development of the Request for Decision to Cabinet. You may also work collectively with the Alliance of BC Modern Treaty Nations respecting individual modern treaties, and the Shared Priority Framework with ABCNTN, and Treaty Nations as required by treaties, agreements and other constructive arrangements, and with MNBC as appropriate. A distinction-based approach must always be applied.

Based on your consultation and co-operation process, there may also be on-going dialogue, engagement, and work with Indigenous peoples throughout the development and consideration of a Request for Decision.

### 3: Development of Request for Legislation

Subsequent to the approval of a Request for Decision, the development of a **“Request for Legislation”** (RFL) will take place. A central aspect of this will be the development of a **“three-column document”** that identifies the proposed contents of the legislation and their policy rationale. The three-column document must reflect the outcome of the Request for Decision, must be informed by the on-going exploration of policy ideas with Indigenous peoples, and reflect how the proposed policy may affect Indigenous peoples and is consistent with the UN Declaration.

Requests for Legislation can be jointly prepared with Indigenous peoples (also known as co-development), and the work done at points 1 and 2 will determine when it is necessary and appropriate to undertake this joint development. In some instances, such as where documents for Cabinet are being developed and shared, confidentiality protocols will be necessary.

As with the RFD, it may also be the case that First Nations organizations, and in particular the FNLC and the ABCMTN, may play a direct role in supporting how consultation and co-operation takes place in the development of the Request for Legislation, based on their mandates from First Nations. This may include the legal and policy teams of the FNLC being actively engaged in the joint development of the

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<sup>14</sup> If your efforts involve the sharing of legislation or confidential documents associated with legislation, a new confidentiality agreement has been developed that can be used across all provincial ministries. These agreements are valid for a calendar year and should be used in situations where the individual you’re consulting with is someone you plan on interacting with more than once in a calendar year. Once an agreement has been signed by an individual, any ministry official is able to share legislation or associated documents with them, being mindful that the specific documents you intend on sharing should be confirmed by your solicitor.

Request for Legislation. You may also work collectively with the Alliance of BC Modern Treaty Nations respecting individual modern treaties, and the Shared Priority Framework with ABCMTN, and Treaty Nations as required by treaties, agreements and other constructive arrangements, and with MNBC as appropriate. A distinctions-based approach must always be applied.

Based on your consultation and co-operation process, there may also be on-going dialogue, engagement, and work with Indigenous peoples throughout the development and consideration of a Request for Legislation to Cabinet.

#### **4: Legislative Drafting**

Legislative drafting takes place by legislative counsel working under the direction of a directing official. The three-column document developed under 3 above guides the legislative drafting.

The current policy and practice of British Columbia is that co-development does not include Indigenous peoples drafting together with legislative counsel or the sharing of legal advice relating to the policy or legislation.<sup>15</sup> However, it can include, with confidentiality protocols in place, the sharing of consultation drafts of legislation with Indigenous peoples, the joint review of those drafts, and the directing official taking proposals for change to the legislative council based on that consultation and co-operation. In some instances, this process of reviewing and proposing change(s), may take place multiple times.<sup>16</sup>

As well, additional guidance and measures regarding legislative drafting are being discussed with the Declaration Act Secretariat, through processes in place with the ABCMTN, the FNLC based on their mandates from First Nations, and with MNBC as appropriate.

#### **5: Introduction of Bill - Parliamentary process**

Once the Bill (legislation) has been tabled for debate in the legislature, there may sometimes be additional opportunities for reviewing, and potentially amending, the proposed legislation in collaboration. However, currently this is subject to the Parliamentary process and decisions made by provincial elected officials during the Parliamentary process. Some of the many opportunities that may exist, as determined by the Parliamentary process and political decision-making, include: meetings and briefings for Indigenous representatives with Ministers and the public service; public forums about the legislation; and legislative committee hearings and processes. As well, during the Parliamentary process statements and documents may be made public about how the legislation was developed, the consultation and co-operation that took place, and how the legislation is consistent with the UN Declaration.

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<sup>15</sup> If you are unsure about what can be shared, seek advice from your advising solicitor in the Indigenous Legal Relations Solicitors Unit (NATRIL) within the Legal Services Branch (MAG).

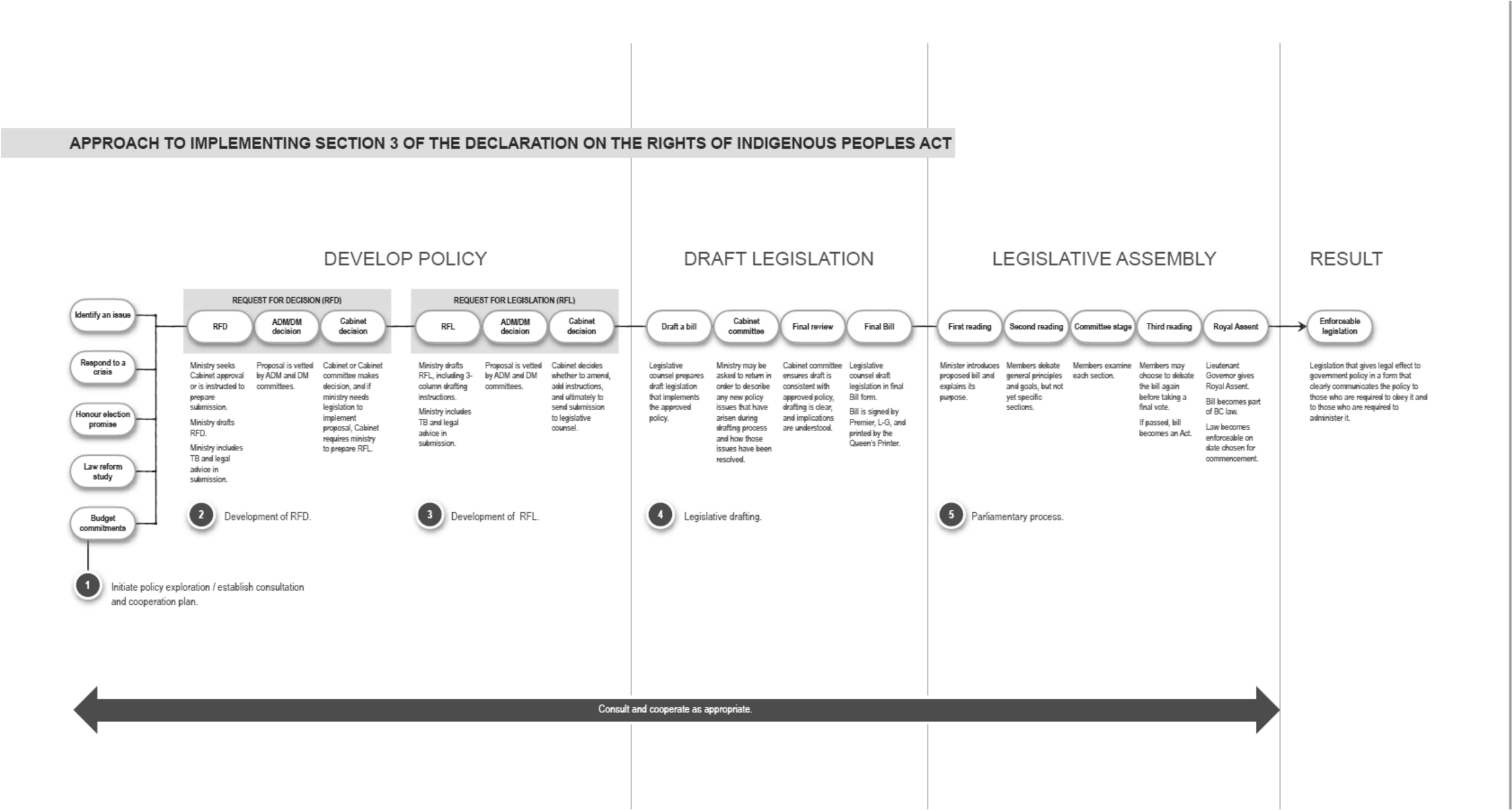
<sup>16</sup> In some instances, such as was the case in the development of the Declaration Act, this may take the form of “joint instructions” for drafting.

It is important to continue to engage with Indigenous peoples and partners as the Bill proceeds through the legislative process and to advise them of any issues that may arise during the debate or committee process, and especially if any amendments to the Bill arise.

## For Further Information

For further information please contact the **Declaration Act Secretariat** at:  
[DeclarationActSecretariat@gov.bc.ca](mailto:DeclarationActSecretariat@gov.bc.ca)

Appendix 1 – Interim Legislative Process



## Appendix 2 – External guidance documents

### United Nations Guidance

- Duty of States to consult with indigenous peoples on decisions affecting them
  - <https://undocs.org/A/HRC/12/34> (starting on page 12)
- The requirement that consultations be in good faith, with the objective of achieving agreement or consent (FPIC)
  - <https://undocs.org/A/HRC/12/34> (starting on page 16)
- Free, prior and informed consent: a human rights-based approach
  - <https://undocs.org/A/HRC/39/62>

### Indian Residential School History and Dialogue Centre

- Implementing UNDRIP in BC: A Discussion Paper Series
  - A Commentary on the Federal Government’s Legislation to Implement the United Nations Declaration on the Rights of Indigenous Peoples
  - Emergencies, Indigenous Governance and Jurisdiction
  - Indigenous Rights in Times of Emergency
  - Operationalizing Free, Prior, and Informed Consent
  - Co-operatively Resolving Conflicts Through the Application of UNDRIP
  - “Indigenous Governing Bodies” and advancing the work of Re-Building Indigenous Nations and Governments
  - Achieving Consistency between the United Nations Declaration on the Rights of Indigenous Peoples to the Laws of British Columbia
  - Taking “All Measures Necessary” to Ensure Laws are Consistent with the United Nations Declaration on the Rights of Indigenous Peoples

## Appendix 3 – Internal guidance documents

- Alliance of BC Modern Treaty Nations Shared Pathways Framework agreement
- BC Declaration Act
  - [General Website: Home 2022 | A New Path Forward](#)
  - [Declaration on the Rights of Indigenous Peoples Act](#)
- BC [Declaration Act Action Plan](#)
- Commitment Document: Concrete Actions: [Transforming Laws, Policies, Processes and Structures](#)
- Commitment Document: [Shared Vision and Guiding Principles](#)
- [Draft 10 Principles](#)
- [MNBC and BC Letter of Intent](#)



Page 195 of 475

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Advice/Recommendations ; Legal Information

Page 196 of 475

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Advice/Recommendations ; Legal Information

Page 197 of 475

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Page 198 of 475

Withheld pursuant to/removed as

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Page 199 of 475

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Page 200 of 475

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Page 201 of 475

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Page 202 of 475

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Page 203 of 475

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Page 204 of 475

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Page 205 of 475

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Page 206 of 475

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Page 207 of 475

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Page 208 of 475

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Page 209 of 475

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Page 210 of 475

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Page 211 of 475

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Page 219 of 475

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Page 224 of 475

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Page 226 of 475

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Page 227 of 475

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Page 228 of 475

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Page 229 of 475

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Page 230 of 475

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Page 231 of 475

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Page 232 of 475

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Page 233 of 475

Withheld pursuant to/removed as

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Page 234 of 475

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Page 235 of 475

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Cabinet Confidences

Page 236 of 475

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## BRIEFING NOTE FOR INFORMATION

**DATE:** September 28, 2022  
**PREPARED FOR:** Minister of Land, Water and Resource Stewardship  
**ISSUE:** Natural Resource Sector Radio Repeater Network

### BACKGROUND:

- The Natural Resource Sector's Radio Repeater Network (the Radio Network) is the primary communications system for the BC Wildfire Service (BCWS), and for meeting WorkSafeBC requirements to ensure safety of lone government workers in the field.
- The Radio Network covers 80% of BC through 331 mountain-top repeaters and over 8,000 radios and supports approximately 6,000 Natural Resource Sector (NRS) staff.
- A team of 20 Natural Resource Information and Digital Services (NRIDS) radio technologists manages the Radio Network from 9 regional offices and Victoria.
- The Radio Network was first established in the 1950's, and is substantially unchanged from the mid 1960's.
- It is projected that 20% of the mountaintop Radio Network infrastructure require critical maintenance as the current commitment of resources is increasingly insufficient for maintenance needs.
- Required investment to either modernize the system or address deferred maintenance is estimated at \$75M-\$100M over the next 7-10 years.

### DISCUSSION:

The Radio Network is the primary way that the BCWS performs field resources coordination, manages safety in the field, coordinates flight management, and interconnects with emergency management partners. The Network also provides secondary support for incident command, fire weather station communication and remote community messaging. We anticipate that 5G cellular and emerging satellite services such as Starlink will significantly enhance data capabilities, but the Radio Network's core role for NRS voice communications will persist for the foreseeable future.

Each radio repeater site has been built to withstand the harsh climatic conditions of heat, cold, ice, rain, and lightning but requires a continuous cycle of preventative maintenance and break/fix activity. Site access is seasonal and logistically challenging, demanding careful planning and special safety precautions. Task workload has continually increased due to aging systems and changing client needs, but funding and staffing has remained flat, leaving the radio team unable to meet increasingly challenging maintenance targets and resulting in declining Radio Network operability.

Agencies within the NRS have indicated that without the communications capabilities delivered by the Radio Network, they would not be able to operate safely, or at all, as they could not meet WorkSafeBC standards. Furthermore, the consequences of a failure of the communications infrastructure during an emergency event such as a wildfire could directly result in loss of life or property, as it can sever the link between personnel in the field and regional command centers. In

June 2013, 19 Arizona firefighters died when they were overcome by flames while fighting the Yarnell Hill Fire. It was subsequently determined that radio communication problems resulted in operations command not knowing the location or situation of the unit<sup>1</sup>.

While radio has proven its value as an inherently reliable voice communication technology, requirements in the field (especially for emergency response) have evolved. Service gaps such as increasing network congestion, lack of secure communications and inability to interconnect with partner agencies and indigenous communities have been addressed in more modern digital radio systems. It should be noted that the RCMP in British Columbia, and the Maritime Provinces, have already transitioned to digital networks, while Ontario's \$1 billion transition is underway.

### INDIGENOUS PEOPLES:

On November 17, 2021, in response to the November 2021 floods, Grand Chief Philip Stewart (reflecting recommendation #32 in the Abbott-Chapman report <sup>2</sup>) reiterated the call for coordinated radio communications and equipment between the province and first nations emergency response organizations.

### NEXT STEPS:

Advice/Recommendations; Government Financial Information

### PREPARED BY:

Kimberly Juda  
Senior Product Portfolio Manager  
Natural Resource Digital and  
Information Systems Division  
(236) 478-2368

### REVIEWED BY:

|                  | Initials | Date       |
|------------------|----------|------------|
| DM               | LH       | 10/19/2022 |
| ADM              | AC       | 09/28/2022 |
| Program Dir/Mgr. |          |            |

<sup>1</sup> Yarnhill Fire Serious Accident Investigation Report

<sup>2</sup> Addressing the New Normal: 21st Century Disaster Management in British Columbia Report and findings of the BC Flood and Wildfire Review: an independent review examining the 2017 flood and wildfire seasons

Page 239 of 475

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Cabinet Confidences

Page 240 of 475

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Page 241 of 475

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## BRIEFING NOTE FOR INFORMATION

**DATE:** October 19, 2022

**PREPARED FOR:** Minister of Land, Water and Resource Stewardship

**ISSUE:** Provincial response to the *Yahey v. BC* Supreme Court decision

### BACKGROUND:

#### Treaty 8

- Treaty 8 is a historic treaty, with many First Nation signatories based in BC, Alberta, Saskatchewan, and the Northwest Territories.
- Treaty 8 rights include the ability to hunt, fish and trap and practice a traditional way of life.
- There are eight, BC-based Treaty 8 Nations which are the focus of this note and the provincial response to the *Yahey* court decision. However, there are other non-BC based Treaty 8 Nations who claim they exercise their rights in BC; BC consults and engages these Nations as well, but the relationship is different.
- The Treaty 8 Nations in BC have the same rights to the same defined area captured in the treaty, except for one Nation, McLeod Lake, who adhered to the treaty in 2000. Although the Nations share the territory, they have areas where they exercise a larger proportion of their treaty rights. For these areas, they may refer to them as the “core areas” or “territories” but they are not legally defined. Through process commitments like consultation, and reconciliation commitments like government-to-government agreements, such areas may be geographically defined.

#### Blueberry River

- In 2015, Blueberry River First Nations (Blueberry River) initiated litigation regarding the impacts of Crown decisions and industrial development on their ability to meaningfully exercise their treaty rights and pursue their traditional way of life.
- In 2021, the BC Supreme Court ruled that the Province has breached its obligation to Blueberry River under Treaty 8, including its honourable and fiduciary obligations. Instead of issuing a cash settlement or other relief, the judge issued four declarations:
  - (1) the Province’s mechanisms for assessing and considering cumulative effects are lacking and have contributed to the breach of obligations under Treaty 8,
  - (2) the Province has unjustifiably infringed Blueberry River’s treaty rights as there are insufficient and appropriate lands remaining for the meaningful exercise of treaty rights,
  - (3) the Province cannot continue to unjustifiably infringe Blueberry River’s treaty rights, or otherwise authorize activities that breach the Province’s honourable and fiduciary obligations, and
  - (4) the Province and Blueberry River must act with diligence to consult and negotiate for the purpose of establishing timely enforceable mechanisms to assess and manage the cumulative impact of industrial development on Blueberry River’s treaty rights, and ensure their rights are respected.
- Since summer 2021, the Province and Blueberry River have been in negotiations on the terms which could form a settlement agreement.
- An initial agreement was made with Blueberry River in October 2021 to provide \$65 million in initial funding for Blueberry River’s interests in restoration, wildlife management, culture, and capacity measures, while the Province and numerous proponents received certainty that their



previously authorized activities could continue in Blueberry River's Civil Claim Area. Twenty specific oil and gas and forestry authorizations were paused by Order-in-Council at Blueberry River's request.

- Advice/Recommendations; Cabinet Confidences

### **The other seven Treaty 8 Nations**

- There are seven other Treaty 8 Nations based in BC, each of which believe, like Blueberry River has proven through court, that the cumulative impacts of decades of industrial development have infringed their treaty rights.
- Six of these seven Nations approached the Province after the court case and asked that we work together to negotiate a path forward to reconcile the cumulative effects situation, rather than move forward with similar litigation. The Province believes some of these Nations are ready to take BC to court on treaty rights infringement as well.
- In response, the Province and six of the seven Treaty 8 Nations co-developed a framework to respond to cumulative effects and advance measures and initiatives to shift our relationship to one of greater partnership and in time, co-management of the land and resources.
- This framework is called the "Consensus Document", and its themes and topic areas are similar to the work advanced with Blueberry River. This is purposeful, as the Province believes a regional approach is needed to successfully manage for cumulative effects and not multiple government-to-government agreements given how Treaty 8 rights and territory are shared.
- A mandate to implement the Consensus Document was approved in July 2022, and these Nations are eager to get to work, but mindful of the connection points or divergences from what BC has developed with them, vis-à-vis the negotiation outcomes between BC and Blueberry River which are actively unfolding.

### **DISCUSSION:**

#### **Blueberry River:**

Advice/Recommendations; Cabinet Confidences; Intergovernmental Communications

#### **Other Treaty 8 Nations:**

Advice/Recommendations; Intergovernmental Communications

Page 244 of 475

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Advice/Recommendations ; Cabinet Confidences ; Intergovernmental Communications

Page 245 of 475

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Advice/Recommendations ; Cabinet Confidences ; Government Financial Information ; Intergovernmental  
Communications

Page 246 of 475

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Advice/Recommendations ; Cabinet Confidences ; Government Financial Information ; Intergovernmental  
Communications

# ***Declaration on the Rights of Indigenous Peoples Act***

## **Overview of the *Declaration Act***

**November  
2020**



# United Nations Declaration on the Rights of Indigenous Peoples

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Ministry of  
Indigenous Relations  
and Reconciliation

- International instrument adopted by the United Nations in 2007 after almost 25 years of deliberations by UN members and Indigenous groups
- Enshrines the rights that “constitute the minimum standards for the survival, dignity and well-being of the Indigenous peoples in the world”
- Acknowledges “situation of Indigenous peoples” varies in the world and regional particularities and historical and cultural backgrounds should be considered
- In 2015, Truth and Reconciliation Commission of Canada calls upon all governments to fully adopt and implement the UN Declaration as the framework for reconciliation



# B.C.'s Commitments



Ministry of  
Indigenous Relations  
and Reconciliation

- **Ministers' Mandate letters and 10 Draft Principles (2017 and 2018)**
  - Commitment to fully adopt and implement the UN Declaration and TRC Calls to Action
  - *Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples* guides work of ministries to implement the Declaration
- **Commitment Document - Concrete Actions (2018)**
  - Goal 1, Action 1 calls for legislation to implement the UN Declaration by fall 2019
- **Treaty-related (e.g. Recognition & Reconciliation of Rights Policy) (2018 & 2019)**
- **Declaration on the Rights of Indigenous Peoples Act (2019)**
- **Throne and Budget Speeches (2019 and 2020)**
  - 2020 - commitment to develop an Action Plan collaboratively with Indigenous peoples



# Background: the Declaration Act

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- Created through collaborative process with the First Nations Leadership Council, directed through resolution by First Nation Chiefs in BC to develop this legislation
- Indigenous legal counsel and experts collaborated, participated and contributed significantly
- On November 28, 2019, Bill 41 – Declaration on the Rights of Indigenous Peoples Act (Declaration Act) received Royal Assent, following full support of the Legislature
- B.C. is the first jurisdiction in Canada, and one of the first in the world, to pass such a law





# What does the Declaration Act do?

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- Establishes the UN Declaration as the framework for reconciliation. Enables legislative, regulatory, policy and operational changes to be made over time to support implementation.
- Requires government, in consultation and cooperation with Indigenous peoples to:
  - Ensure new and existing laws are consistent with the UN Declaration
  - Develop and implement an Action Plan to achieve the objectives of the UN Declaration
  - Monitor progress through public annual reporting
- Creates space for B.C. to enter into agreements with broader range of Indigenous governments, including joint or consent-based decision-making agreements



# Overview of the Act

|  |  |
|--|--|
| <b>Interpretation and implementing the UN Declaration</b>        | <ul style="list-style-type: none"><li>• Section 1 includes key interpretative provisions and terms for the Act. Section 2 establishes the three purposes of the Act</li><li>• Sections 3, 4 and 5 set out requirements for government regarding the implementation of the UN Declaration in British Columbia</li></ul>                           |
| <b>Entering into agreements with Indigenous governing bodies</b> | <ul style="list-style-type: none"><li>• Sections 6 and 7 create space to enter into agreements with a broader range of Indigenous governments</li><li>• Special provisions to allow for joint or consent-based decision-making agreements</li></ul>  |
| <b>Offence Act and regulation making power</b>                   | <ul style="list-style-type: none"><li>• Section 8 ensures <i>Offence Act</i> sanctions do not apply to the Declaration Act. Instead, <i>Judicial Review Procedure Act</i> can be used to oversee requirements.</li><li>• Section 9 contains a modest regulation making power (e.g. dealing with administrative and procedural matters)</li></ul> |



# Alignment of laws (section 3)

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- The process to achieve legislative alignment will be done with Indigenous peoples
- As laws are modified or built, they will be aligned with the UN Declaration
- For existing laws, which B.C. laws to change first will be determined in partnership with Indigenous peoples
- Changes will take time



# Action Plan (section 4)

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- Focus of the plan is to achieve the objectives of the UN Declaration
- It is intended to be provincial in scope, combining a strategic vision with tangible actions
- Development and implementation of the plan must be done with Indigenous peoples
- Engagement is underway to gather input on priorities and actions from First Nations leadership, Métis, treaty/non-treaty Nations, Indigenous women, Indigenous youth, and urban Indigenous communities



# Annual Report (section 5)

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- First report regarding progress on alignment of laws and action plan was submitted to the Legislature on June 30, 2020
- The report covered progress from when the Act came into force (November 28, 2019) until March 31, 2020.
- Engagement was undertaken – outlining the planned approach for the first annual report and gathering input on the direction and scope
- Subsequent annual reports will have more fulsome engagement during the development process, including input on what and how to measure progress on s. 3 and s. 4 of the Act



# Agreements (sections 6 & 7)

- Enables government to enter into agreements with a broader range of Indigenous governments (“Indigenous governing bodies”)
- Section 6 agreements could deal with various collaborative processes not involving shared decision-making
- Section 7 decision-making agreements deal with the joint exercise of a statutory decision or where consent is indicated before a statutory decision is made
- Space must exist or be made in legislation for section 7 agreements
- The Province is currently doing preparatory work to determine how best to move forward with implementing these sections in partnership with Indigenous Nations



# Resources

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Government site: <http://declaration.gov.bc.ca>

Declaration on the Rights of Indigenous Peoples Act:  
<http://www.bclaws.ca/civix/document/id/complete/statreg/19044>

Committee Debate: <https://www.leg.bc.ca/documents-data/debate-transcripts/41st-parliament/4th-session>

MIRR lead on Action Plan and Annual Report: Emily Arthur, [Emily.Arthur@gov.bc.ca](mailto:Emily.Arthur@gov.bc.ca)

MIRR lead on Alignment of Laws: Richard Grieve, [Richard.Grieve@gov.bc.ca](mailto:Richard.Grieve@gov.bc.ca)

MIRR lead on Agreements: Tom McCarthy, [Tom.McCarthy@gov.bc.ca](mailto:Tom.McCarthy@gov.bc.ca)







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This Act is current to February 9, 2022

See the Tables of Legislative Changes for this Act's legislative history, including any changes not in force.

## DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES ACT

[SBC 2019] CHAPTER 44

*Assented to November 28, 2019*

### Contents

- 1 Interpretation
- 2 Purposes of Act
- 3 Measures to align laws with Declaration
- 4 Action plan
- 5 Annual report
- 6 Agreements
- 7 Decision-making agreements
- 8 *Offence Act*
- 9 Power to make regulations
- 10 Commencement

### Schedule

### Interpretation

1 (1) In this Act:

**"Declaration"** means the United Nations Declaration on the Rights of Indigenous Peoples set out in the Schedule;

**"Indigenous governing body"** means an entity that is authorized to act on behalf of Indigenous peoples that hold rights recognized and affirmed by section 35 of the *Constitution Act, 1982*;

**"Indigenous peoples"** has the same meaning as aboriginal peoples in section 35 of the *Constitution Act, 1982*;

**"statutory power of decision"** has the same meaning as in the *Judicial Review Procedure Act*.

- (2) For the purposes of implementing this Act, the government must consider the diversity of the Indigenous peoples in British Columbia, particularly the distinct languages, cultures, customs, practices, rights, legal traditions, institutions, governance structures, relationships to territories and knowledge systems of the Indigenous peoples in British Columbia.
- (3) For certainty, nothing in this Act, nor anything done under this Act, abrogates or derogates from the rights recognized and affirmed by section 35 of the *Constitution Act, 1982*.
- (4) Nothing in this Act is to be construed as delaying the application of the Declaration to the laws of British Columbia.

### Purposes of Act

2 The purposes of this Act are as follows:

- (a) to affirm the application of the Declaration to the laws of British Columbia;
- (b) to contribute to the implementation of the Declaration;
- (c) to support the affirmation of, and develop relationships with, Indigenous governing bodies.

### Measures to align laws with Declaration

3 In consultation and cooperation with the Indigenous peoples in British Columbia, the government must take all measures necessary to ensure the laws of British Columbia are consistent with the Declaration.

### Action plan

- 4 (1) The government must prepare and implement an action plan to achieve the objectives of the Declaration.
- (2) The action plan must be prepared and implemented in consultation and cooperation with the Indigenous peoples in British Columbia.
- (3) The action plan must contain the date on or before which the government must initiate a review of the action plan.
- (4) After the action plan is prepared, the minister must, as soon as practicable,
- (a) lay the action plan before the Legislative Assembly if the Legislative Assembly is then sitting, or
  - (b) file the action plan with the Clerk of the Legislative Assembly if the Legislative Assembly is not sitting.

- (5) The government may prepare a new action plan in accordance with this section.

### **Annual report**

- 5** (1) Each year the minister must prepare a report for the 12-month period ending on March 31.
- (2) The report must be prepared in consultation and cooperation with the Indigenous peoples in British Columbia.
- (3) In the report under subsection (1), the minister must report on the progress that has been made towards implementing the measures referred to in section 3 and achieving the goals in the action plan.
- (4) On or before June 30 in each year, the minister must
- (a) lay the report prepared for the 12-month period ending on March 31 in that year before the Legislative Assembly, if the Legislative Assembly is then sitting, or
  - (b) file the report prepared for the 12-month period ending on March 31 in that year with the Clerk of the Legislative Assembly, if the Legislative Assembly is not sitting.

### **Agreements**

- 6** (1) For the purposes of this Act, a member of the Executive Council, on behalf of the government, may enter into an agreement with an Indigenous governing body.
- (2) Subsection (1)
- (a) is subject to section 7, and
  - (b) does not limit a power of the member to enter into an agreement under any other enactment.

### **Decision-making agreements**

- 7** (1) For the purposes of reconciliation, the Lieutenant Governor in Council may authorize a member of the Executive Council, on behalf of the government, to negotiate and enter into an agreement with an Indigenous governing body relating to one or both of the following:
- (a) the exercise of a statutory power of decision jointly by
    - (i) the Indigenous governing body, and
    - (ii) the government or another decision-maker;

- (b) the consent of the Indigenous governing body before the exercise of a statutory power of decision.
- (2) A member authorized under subsection (1) to negotiate an agreement may enter into the agreement without further authorization from the Lieutenant Governor in Council unless the Lieutenant Governor in Council restricts the initial authorization to only the negotiation of the agreement.
- (3) Within 15 days after the Lieutenant Governor in Council authorizes the member to negotiate an agreement under subsection (1), the member must make public a summary of the local governments and other persons the member intends to consult before or during the negotiation.
- (4) An agreement entered into under subsection (1)
  - (a) must be published in the Gazette, and
  - (b) is not effective until the agreement is published in the Gazette or a later date specified in the agreement.
- (5) For certainty, subsection (4) applies to an agreement that amends an agreement entered into under subsection (1).

**Offence Act**

8 Section 5 of the *Offence Act* does not apply to this Act.

**Power to make regulations**

9 The Lieutenant Governor in Council may make regulations referred to in section 41 of the *Interpretation Act*.

**Commencement**

10 This Act comes into force on the date of Royal Assent.

**Schedule**

(Section 1)

United Nations Declaration on the Rights of Indigenous Peoples

**Resolution adopted by the General Assembly**

[without reference to a Main Committee (A/61/L.67 and Add.1)]

**61/295. United Nations Declaration on the Rights of Indigenous Peoples**

The General Assembly,

*Taking note* of the recommendation of the Human Rights Council contained in its resolution 1/2 of 29 June 2006,<sup>1</sup> by which the Council adopted the text of the United Nations Declaration on the Rights of Indigenous Peoples,

*Recalling* its resolution 61/178 of 20 December 2006, by which it decided to defer consideration of and action on the Declaration to allow time for further consultations thereon, and also decided to conclude its consideration before the end of the sixty-first session of the General Assembly,

*Adopts* the United Nations Declaration on the Rights of Indigenous Peoples as contained in the annex to the present resolution.

*107th plenary meeting*

*13 September 2007*

1. See Official Records of the General Assembly, Sixty-first Session, Supplement No. 53 (A/61/53), part one, chap. II, sect. A.

## **Annex**

### **United Nations Declaration on the Rights of Indigenous Peoples**

*The General Assembly,*

*Guided* by the purposes and principles of the Charter of the United Nations, and good faith in the fulfilment of the obligations assumed by States in accordance with the Charter,

*Affirming* that indigenous peoples are equal to all other peoples, while recognizing the right of all peoples to be different, to consider themselves different, and to be respected as such,

*Affirming also* that all peoples contribute to the diversity and richness of civilizations and cultures, which constitute the common heritage of humankind,

*Affirming further* that all doctrines, policies and practices based on or advocating superiority of peoples or individuals on the basis of national origin or racial, religious, ethnic or cultural differences are racist, scientifically false, legally invalid, morally condemnable and socially unjust,

*Reaffirming* that indigenous peoples, in the exercise of their rights, should be free from discrimination of any kind,

*Concerned* that indigenous peoples have suffered from historic injustices as a result of, inter alia, their colonization and dispossession of their lands, territories and resources, thus preventing them from exercising, in particular, their right to development in accordance with their own needs and interests,

*Recognizing* the urgent need to respect and promote the inherent rights of indigenous peoples which derive from their political, economic and social structures and from their cultures, spiritual traditions, histories and philosophies, especially their rights to their lands, territories and resources,

*Recognizing also* the urgent need to respect and promote the rights of indigenous peoples affirmed in treaties, agreements and other constructive arrangements with States,

*Welcoming* the fact that indigenous peoples are organizing themselves for political, economic, social and cultural enhancement and in order to bring to an end all forms of discrimination and oppression wherever they occur,

*Convinced* that control by indigenous peoples over developments affecting them and their lands, territories and resources will enable them to maintain and strengthen their institutions, cultures and traditions, and to promote their development in accordance with their aspirations and needs,

*Recognizing* that respect for indigenous knowledge, cultures and traditional practices contributes to sustainable and equitable development and proper management of the environment,

*Emphasizing* the contribution of the demilitarization of the lands and territories of indigenous peoples to peace, economic and social progress and development, understanding and friendly relations among nations and peoples of the world,

*Recognizing in particular* the right of indigenous families and communities to retain shared responsibility for the upbringing, training, education and well-being of their children, consistent with the rights of the child,

*Considering* that the rights affirmed in treaties, agreements and other constructive arrangements between States and indigenous peoples are, in some situations, matters of international concern, interest, responsibility and character,

*Considering also* that treaties, agreements and other constructive arrangements, and the relationship they represent, are the basis for a strengthened partnership between indigenous peoples and States,

*Acknowledging* that the Charter of the United Nations, the International Covenant on Economic, Social and Cultural Rights<sup>2</sup> and the International Covenant on Civil and Political Rights,<sup>2</sup> as well as the Vienna Declaration and Programme of Action,<sup>3</sup> affirm the fundamental importance of the right to self-determination of all peoples, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development,

2. See resolution 2200 A (XXI), annex.

3. A/CONF.157/24 (Part I), chap. III.

*Bearing in mind* that nothing in this Declaration may be used to deny any peoples their right to self-determination, exercised in conformity with international law,

*Convinced* that the recognition of the rights of indigenous peoples in this Declaration will enhance harmonious and cooperative relations between the State and indigenous peoples, based on principles of justice, democracy, respect for human rights, non-discrimination and good faith,

*Encouraging* States to comply with and effectively implement all their obligations as they apply to indigenous peoples under international instruments, in particular those related to human rights, in consultation and cooperation with the peoples concerned,

*Emphasizing* that the United Nations has an important and continuing role to play in promoting and protecting the rights of indigenous peoples,

*Believing* that this Declaration is a further important step forward for the recognition, promotion and protection of the rights and freedoms of indigenous peoples and in the development of relevant activities of the United Nations system in this field,

*Recognizing and reaffirming* that indigenous individuals are entitled without discrimination to all human rights recognized in international law, and that indigenous peoples possess collective rights which are indispensable for their existence, well-being and integral development as peoples,

*Recognizing* that the situation of indigenous peoples varies from region to region and from country to country and that the significance of national and regional particularities and various historical and cultural backgrounds should be taken into consideration,

*Solemnly proclaims* the following United Nations Declaration on the Rights of Indigenous Peoples as a standard of achievement to be pursued in a spirit of partnership and mutual respect:

#### *Article 1*

Indigenous peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights<sup>4</sup> and international human rights law.

4. Resolution 217 A (III).

#### *Article 2*

Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.

#### *Article 3*

Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

#### *Article 4*

Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.

#### *Article 5*

Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.

#### *Article 6*

Every indigenous individual has the right to a nationality.

#### *Article 7*

1. Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
2. Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.

#### *Article 8*

1. Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.
2. States shall provide effective mechanisms for prevention of, and redress for:
  - (a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities;
  - (b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources;
  - (c) Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights;
  - (d) Any form of forced assimilation or integration;
  - (e) Any form of propaganda designed to promote or incite racial or ethnic discrimination directed against them.

#### *Article 9*



Indigenous peoples and individuals have the right to belong to an indigenous community or nation, in accordance with the traditions and customs of the community or nation concerned. No discrimination of any kind may arise from the exercise of such a right.

#### *Article 10*

Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.

#### *Article 11*

1. Indigenous peoples have the right to practise and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.
2. States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.

#### *Article 12*

1. Indigenous peoples have the right to manifest, practise, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains.
2. States shall seek to enable the access and/or repatriation of ceremonial objects and human remains in their possession through fair, transparent and effective mechanisms developed in conjunction with indigenous peoples concerned.

#### *Article 13*

1. Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.
2. States shall take effective measures to ensure that this right is protected and also to ensure that indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means.

*Article 14*

1. Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.
2. Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.
3. States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.

*Article 15*

1. Indigenous peoples have the right to the dignity and diversity of their cultures, traditions, histories and aspirations which shall be appropriately reflected in education and public information.
2. States shall take effective measures, in consultation and cooperation with the indigenous peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among indigenous peoples and all other segments of society.

*Article 16*

1. Indigenous peoples have the right to establish their own media in their own languages and to have access to all forms of non-indigenous media without discrimination.
2. States shall take effective measures to ensure that State-owned media duly reflect indigenous cultural diversity. States, without prejudice to ensuring full freedom of expression, should encourage privately owned media to adequately reflect indigenous cultural diversity.

*Article 17*

1. Indigenous individuals and peoples have the right to enjoy fully all rights established under applicable international and domestic labour law.
2. States shall in consultation and cooperation with indigenous peoples take specific measures to protect indigenous children from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development, taking into account their special vulnerability and the importance of education for their empowerment.

3. Indigenous individuals have the right not to be subjected to any discriminatory conditions of labour and, inter alia, employment or salary.

#### *Article 18*

Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.

#### *Article 19*

States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

#### *Article 20*

1. Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.
2. Indigenous peoples deprived of their means of subsistence and development are entitled to just and fair redress.

#### *Article 21*

1. Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
2. States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.

#### *Article 22*

1. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration.
2. States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.

*Article 23*

Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.

*Article 24*

1. Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals. Indigenous individuals also have the right to access, without any discrimination, to all social and health services.
2. Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right.

*Article 25*

Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.

*Article 26*

1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.

*Article 27*

States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.

*Article 28*

1. Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.
2. Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress.

*Article 29*

1. Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.
2. States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent.
3. States shall also take effective measures to ensure, as needed, that programmes for monitoring, maintaining and restoring the health of indigenous peoples, as developed and implemented by the peoples affected by such materials, are duly implemented.

*Article 30*

1. Military activities shall not take place in the lands or territories of indigenous peoples, unless justified by a relevant public interest or otherwise freely agreed with or requested by the indigenous peoples concerned.
2. States shall undertake effective consultations with the indigenous peoples concerned, through appropriate procedures and in particular through their representative institutions, prior to using their lands or territories for military activities.

*Article 31*

1. Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and

develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.

2. In conjunction with indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights.

#### *Article 32*

1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
2. States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
3. States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.

#### *Article 33*

1. Indigenous peoples have the right to determine their own identity or membership in accordance with their customs and traditions. This does not impair the right of indigenous individuals to obtain citizenship of the States in which they live.
2. Indigenous peoples have the right to determine the structures and to select the membership of their institutions in accordance with their own procedures.

#### *Article 34*

Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standards.

#### *Article 35*

Indigenous peoples have the right to determine the responsibilities of individuals to their communities.

#### *Article 36*

1. Indigenous peoples, in particular those divided by international borders, have the right to maintain and develop contacts, relations and cooperation, including activities for spiritual, cultural, political, economic and social purposes, with their own members as well as other peoples across borders.

2. States, in consultation and cooperation with indigenous peoples, shall take effective measures to facilitate the exercise and ensure the implementation of this right.

#### *Article 37*

1. Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honour and respect such treaties, agreements and other constructive arrangements.
2. Nothing in this Declaration may be interpreted as diminishing or eliminating the rights of indigenous peoples contained in treaties, agreements and other constructive arrangements.

#### *Article 38*

States, in consultation and cooperation with indigenous peoples, shall take the appropriate measures, including legislative measures, to achieve the ends of this Declaration.

#### *Article 39*

Indigenous peoples have the right to have access to financial and technical assistance from States and through international cooperation, for the enjoyment of the rights contained in this Declaration.

#### *Article 40*

Indigenous peoples have the right to access to and prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective rights. Such a decision shall give due consideration to the customs, traditions, rules and legal systems of the indigenous peoples concerned and international human rights.

#### *Article 41*

The organs and specialized agencies of the United Nations system and other intergovernmental organizations shall contribute to the full realization of the provisions of this Declaration through the mobilization, inter alia, of financial cooperation and technical assistance. Ways and means of ensuring participation of indigenous peoples on issues affecting them shall be established.

#### *Article 42*

The United Nations, its bodies, including the Permanent Forum on Indigenous Issues, and specialized agencies, including at the country level, and States shall promote respect for and full application of the provisions of this Declaration and follow up the effectiveness of this Declaration.



*Article 43*

The rights recognized herein constitute the minimum standards for the survival, dignity and well-being of the indigenous peoples of the world.

*Article 44*

All the rights and freedoms recognized herein are equally guaranteed to male and female indigenous individuals.

*Article 45*

Nothing in this Declaration may be construed as diminishing or extinguishing the rights indigenous peoples have now or may acquire in the future.

*Article 46*

1. Nothing in this Declaration may be interpreted as implying for any State, people, group or person any right to engage in any activity or to perform any act contrary to the Charter of the United Nations or construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States.
2. In the exercise of the rights enunciated in the present Declaration, human rights and fundamental freedoms of all shall be respected. The exercise of the rights set forth in this Declaration shall be subject only to such limitations as are determined by law and in accordance with international human rights obligations. Any such limitations shall be non-discriminatory and strictly necessary solely for the purpose of securing due recognition and respect for the rights and freedoms of others and for meeting the just and most compelling requirements of a democratic society.
3. The provisions set forth in this Declaration shall be interpreted in accordance with the principles of justice, democracy, respect for human rights, equality, non-discrimination, good governance and good faith.



## What Do We Do

### Division Initiative: Legislative Alignment and Process (Section 3)

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- Section 3 of the *Declaration on the Rights of Indigenous Peoples Act* (Declaration Act) requires government, in consultation and cooperation with Indigenous peoples, to take all measures necessary to ensure the laws of BC are consistent with the UN Declaration.
- The requirement to align laws is a cross-government obligation, with each Minister responsible for ensuring their ministry's legislation is consistent with the UN Declaration and for undertaking appropriate consultation and cooperation with Indigenous peoples.
- The Declaration Act phrase "consultation and cooperation" appears in the UN Declaration and carries the expectation of early engagement with Indigenous peoples on decision-making processes affecting them. It further stipulates that Indigenous peoples should have the opportunity to influence the outcome of or propose an alternative approach to the government proposal.
- Indigenous peoples in the context of the Declaration Act has the same meaning as aboriginal peoples in section 35 of the *Constitution Act, Canada* – First Nations, Métis and Inuit peoples. As such, processes of consultation and cooperation need to be broad and inclusive.

#### Legislative Alignment and Process

- MIRR, through the Legislative Alignment and Process unit, is providing cross-government support on request to ministries to assist them fulfill their obligations under section 3.
- Early outreach on alignment of laws occurred amid the global pandemic and involved adapted approaches such as virtual engagement opportunities. Engagement thus far has included the First Nations Leadership Council (FNLC), Alliance of BC Modern Treaty Nations, and several individual First Nations through existing negotiation tables.
- A Joint Technical Working Group has been established with representatives from FNLC, MIRR and Ministry of Attorney General. The purpose of this group is to share perspectives, inform collaborative approaches, and support a whole of government approach to the implementation of section 3.
- Cross-government working groups have been established in the natural resource and social sectors to discuss implementation of section 3. Additional outreach to ministries is ongoing.
- Work is currently underway to implement changes to Cabinet templates that provide direction to ministries regarding compliance with the Declaration Act. Policy guidance is being developed to provide advice regarding consultation and cooperation with Indigenous peoples in policy development and consideration of impacts or opportunities for Indigenous peoples.

## What Do We Do

### Division Initiative: Action Plan (Section 4)

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- Section 4 of the *Declaration on the Rights of Indigenous Peoples Act* (Declaration Act) states that the government must prepare and implement an action plan to achieve the objectives of the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration), and that the action plan must be prepared and implemented in consultation and cooperation with Indigenous peoples in British Columbia.
- The action plan is proposed to be a provincial-scale document that combines a strategic vision with tangible actions that incrementally advance implementation of the UN Declaration within government policy, programs, and legislation.
- The strategic vision and overarching goals of the action plan would provide a guiding framework for the work ahead, while the actions themselves would be renewed on a regular basis (potentially on a 3-5 year basis) to build upon progress made and address emerging priorities.
- The action plan is not intended to include all reconciliation work with Indigenous partners underway across government, but to highlight key areas of focus and initial priorities for action.

#### Development of Action Plan

- Early engagement with Indigenous partners on priorities and themes for the action plan began in July 2020. Further engagement with Indigenous partners is required, following the interregnum period, to build on these conversations and to provide opportunity for feedback on substantive components of the action plan prior to its release.
- In the 2019/20 Declaration Act Annual Report, government committed to release of the action plan by end of year. To accommodate for sufficient engagement with Indigenous partners as well as stakeholders it is anticipated to be ready for release closer to end of fiscal year (March 2021).
- While drafting of the action plan has been initiated, direction from the new government on the approach and timing related to the action plan is required.

## What Do We Do

### Division Initiative: Annual Report (Section 5)

---

- Section 5 of the *Declaration on the Rights of Indigenous Peoples Act* (Declaration Act) requires government to report annually on progress towards alignment of provincial laws with the UN Declaration (section 3) and development and implementation of an action plan to achieve the objectives of the UN Declaration (section 4).
- Under section 5, the minister must prepare a report each year for the 12-month period ending on March 31, and that the report must be prepared in consultation and cooperation with Indigenous peoples in British Columbia.
- Annual reports are intended to provide transparency and ensure accountability for the work as it progresses.

#### First Annual Report

- The [first annual report](#) was filed with the Clerk of the Legislative Assembly on June 30, 2020, and was tabled before the Legislative Assembly on July 6, 2020.
- The report covered the four-month reporting period from when the Act came into force on November 28, 2019 until fiscal year end March 31, 2020.
- The report highlighted examples of the progress made to build a strong foundation for implementing the Declaration Act and spoke to initial work undertaken as well as anticipated work ahead to align provincial laws with the UN Declaration and to develop the action plan.
- The report was developed amidst the global COVID-19 pandemic, and involved adapted engagement approaches in light of public health and safety measures. Engagement took place with the First Nations Leadership Council, Alliance of BC Modern Treaty Nations, and First Nations directly including through shared tables (treaty, non-treaty, and government-to-government).

#### Future Annual Reports

- Subsequent annual reports will be more comprehensive, covering the entire 12-month period.
- These reports will also involve more comprehensive and inclusive engagement with Indigenous peoples during the development process to ensure accurate and meaningful approaches to reporting on progress related to section 3 and section 4 of the Declaration Act.

## What Do We Do

### Division Initiative: Indigenous Governing Bodies (Section 6)

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- Indigenous governing bodies are contemplated in section 6 of the *Declaration on the Rights of Indigenous Peoples Act* (Declaration Act).
- The purpose of the Indigenous governing bodies concept is to align with and affirm the right of self-determination as identified in the UN Declaration on the Rights of Indigenous Peoples by respecting that Indigenous groups determine what entity represents it for a particular purpose.
- With this approach, Indigenous governing bodies are intended to be an instrument enabling Indigenous Peoples to come together and form representative and accountable bodies of their own outside those imposed by colonial constructs.
- The Declaration Act creates space for the government to enter into a variety of agreements with accountable Indigenous governing bodies.
  - This includes agreements for joint exercise of a statutory power of decision and consent prior to the exercise of statutory power of decision agreements, as described in section 7 of the Declaration Act.
  - This may also include any other type of collaborative process that the government and Indigenous governing bodies may want to establish agreement on, as described in section 6 of the Declaration Act.
- In support of ongoing implementation of the Declaration Act, the Reconciliation, Transformation and Strategies Division is working with the Negotiations and Regional Operations Division to develop guidance and a principles-based approach to the concept of Indigenous governing bodies that is shared across government.
- The Ministry of Children and Family Development is an active partner in identifying the features of an Indigenous governing body.

#### Background

- Section 6 of the Declaration Act authorizes a member of the Executive Council, on behalf of the government, to enter into an agreement with an Indigenous governing body.
- As per the Declaration Act, an “Indigenous governing body” means an entity that is authorized to act on behalf of Indigenous peoples that hold rights recognized and affirmed by section 35 of the Constitution Act, 1982.
- Indigenous governing bodies are also contemplated and defined in federal Indigenous child and family services legislation (*An Act respecting First Nations, Inuit and Métis children, youth and families*). This legislation establishes Indigenous governing bodies as the representative body authorized by an Indigenous group, community or people with section 35 rights to exercise jurisdiction in relation to child and family services. This Act is being implemented by the federal government in partnership with national and regional Indigenous partners as well as provinces and territories (including BC).

## What Do We Do

### Division Initiative: Decision-Making Agreements (Section 7)

---

- Section 7 of the *Declaration on the Rights of Indigenous Peoples Act* (Declaration Act) creates space for the government to enter into certain types of shared decision-making agreements, specifically with Indigenous governing bodies. This includes agreements:
  - Relating to the joint exercise of a statutory power of decision; and
  - Requiring consent before the exercise of statutory power of decision.
- Shared decision-making agreements provide an important mechanism to support self-determination and governance-building, and provide a pathway to advance enhanced authority and self-government for Indigenous Nations.
- Under the Declaration Act, that the Province and the Indigenous partner(s) must have a written agreement that outlines clear accountabilities, responsibilities and liabilities. Any joint statutory decisions are judicially reviewable under the Judicial Review Procedures Act.
- Under the Declaration Act, section 7 agreements require a Cabinet mandate and public transparency.
- Most, if not all, section 7 agreements will also require consequential amendments to the “root” acts that are the subject of the decision making agreement.
- At this point in time, MIRR anticipates there are very few potential section 7 partnerships; however, this will grow over time as models and examples develop, and as Indigenous governing bodies develop greater capacity.
- Negotiations to establish an initial section 7 decision-making agreement with the shíshálh Nation, based on shared decision-making provisions in the Foundation Agreement broadly related to land use and resource planning, have recently begun and are intended to align with requirements and commitments in the Declaration Act.

#### Background

- Section 7 of the Declaration Act provides for the Lieutenant Governor in Council to authorize a member of the Executive Council, on behalf of the government, to negotiate and enter into decision-making agreements with an Indigenous governing body (see “Indigenous governing body” transition note for reference). Due to this, the advancement of these agreements is contingent on Indigenous governing bodies first being established.

# Shared decision-making – the spectrum of working with Indigenous Nations and governing bodies

|                            | Consultation  | Enhanced Consultation  | Collaboration  | Delegated Authority  | Joint Decision Making  | Indigenous jurisdiction   |
|----------------------------|---|--|--|--|--|---|
| <b>Attributes</b>          | BC provides information and considers feedback from Nations when deciding including impact nature and appropriate accommodations. | Includes agreed upon engagement processes, timelines, dispute/resolution, and capacity funding to participate. | Incorporates Indigenous perspectives into process like joint info gathering, analysis and non-statutory decisions Includes joint recommendations to decision makers. | Indigenous governments make decisions within provincial statutory framework. | An indigenous/BC entity has authority to make a statutory decision within the Province.  | Indigenous government exercises sole self-government jurisdiction.                        |
| <b>Provincial examples</b> | Natural resource sector applications pre- <i>Yahey</i> decision ('Haida process')   | Typical in Strategic Engagement Agreements between BC and a First Nation                                       | Tsilhqot'in National Government & moose management;<br>Northeast Caribou Partnership Agreement – Caribou Recovery Committee  | Ministry of Children and Families e.g.                                       | <i>Haida Gwaii Reconciliation Act</i><br>Joint AAC Determination for Haida Gwaii; Tahltan Central Government EA mining decisions | Part of Lake Babine Nation Foundation Agreement and Shíshálh Foundation Agreement with BC |

Legal accountability occurs in these three realms

## Overview of Ministries Identified in the Declaration Act Action Plan – by Ministry

| LEAD  | THEME/ACTION(S)   |
|---|---|
| Declaration Act Secretariat                         | Theme 2: Action 2.1<br>(1 Action)   |
| Emergency Management BC                             | Theme 1: Action 1.10<br>(1 Action)  |
| Ministry of Advanced Education and Skills Training  | Theme 1: Actions 1.8, 1.9<br>Theme 4: Actions 4.5, 4.41<br>(4 Actions)  |
| Ministry of Agriculture and Food                    | Theme 4: Action 4.48<br>(1 Action)  |
| Ministry of Attorney General                        | Theme 2: Action 2.3,<br>Theme 3: Actions 3.6, 3.10, 3.12, 3.13<br>Theme 4: Action 4.25<br>(6 Actions)                                 |
| Ministry of Children and Family Development         | Theme 4: Actions 4.16, 4.17<br>(2 Actions)  |
| Ministry of Citizens' Services                      | Theme 3: Actions 3.14, 3.15<br>Theme 4: Action 4.36<br>(3 Actions)  |
| Ministry of Education and Child Care                | Theme 1: Actions 1.6, 1.7<br>Theme 3: Actions 3.3, 3.4<br>Theme 4: Actions 4.1, 4.2, 4.3, 4.4, 4.18, 4.19, 4.31, 4.32<br>(12 Actions) |
| Ministry of Energy, Mines and Low Carbon Innovation | Theme 2: Action 2.14<br>Theme 4: Action 4.43<br>(2 Actions)   |
| Ministry of Environment and Climate Change Strategy | Theme 2: Action 2.12<br>Theme 4: Action 4.28<br>(2 Actions)   |
| Ministry of Finance                                 | Theme 1: Actions 1.4, 1.5<br>(2 Actions)  |
| Ministry of Forests                                 | Theme 2: Actions 2.10, 2.11<br>Theme 4: Action 4.35<br>(3 Actions)  |

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| Ministry of Health                                   | Theme 3: Action 3.7<br>Theme 4: Actions 4.7, 4.8, 4.10, 4.13, 4.14, 4.26<br>(7 Actions)   |
| Ministry of Indigenous Relations and Reconciliation  | Theme 1: Actions 1.1, 1.2, 1.3<br>Theme 2: Actions 2.2, 2.4, 2.5<br>Theme 4: Actions 4.20, 4.21, 4.22, 4.23, 4.24, 4.29, 4.30, 4.49<br>(16 Actions) |
| Ministry of Jobs, Economic Recovery and Innovation   | Theme 4: Actions 4.39, 4.40, 4.42, 4.45<br>(4 Actions)  |
| Ministry of Labour                                   | Theme 4: Action 4.46<br>(1 Action)  |
| Ministry of Land, Water and Resource Stewardship     | Theme 2: Actions 2.6, 2.7, 2.8, 2.9<br>(4 Actions)  |
| Ministry of Municipal Affairs                        | Theme 1: Action 1.11<br>Theme 4: Action 4.27<br>(2 Actions)   |
| Ministry of Mental Health and Addictions             | Theme 4: Actions 4.12<br>(1 Action)   |
| Ministry of Public Safety and Solicitor General      | Theme 3: Actions 3.8, 3.11<br>Theme 4: Actions 4.11, 4.47<br>(4 Actions)  |
| Ministry of Social Development and Poverty Reduction | Theme 4: Actions 4.9, 4.15<br>(2 Actions)   |
| Ministry of Tourism, Arts, Culture and Sport         | Theme 3: Action 3.5<br>Theme 4: Actions 4.6, 4.33, 4.34, 4.37, 4.38<br>(6 Actions)  |
| Ministry of Transportation and Infrastructure        | Theme 2: Action 2.13<br>Theme 3: Action 3.9<br>(2 Actions)  |
| Public Service Agency                                | Theme 3: Actions 3.1, 3.2<br>Theme 4: Action 4.44<br>(3 Actions)  |



## Ministries in the Action Plan – by Action

| ACTION   | <u>ALL</u> MINISTRY(IES) IDENTIFIED IN THE ACTION PLAN                     |
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| <b>THEME 1</b>   |  |
| <b>1.1</b> In partnership with the Government of Canada, establish a new institution designed and driven by First Nations to provide supports to First Nations in their work of nation- and governance-rebuilding and boundary resolution in accordance with First Nations laws, customs and traditions.   | Ministry of Indigenous Relations and Reconciliation                        |
| <b>1.2</b> Shift from short-term transactional arrangements to the co-development of long-term agreements that recognize and support reconciliation, self-determination, decision-making and economic independence.  | Ministry of Indigenous Relations and Reconciliation                        |
| <b>1.3</b> Utilize sections 6 and 7 of the Declaration Act to complete and implement government-to-government agreements that recognize Indigenous self-government and self-determination.   | Ministry of Indigenous Relations and Reconciliation                        |
| <b>1.4</b> Co-develop with Indigenous Peoples a new distinctions-based fiscal relationship and framework that supports the operation of Indigenous governments, whether through modern treaties, self-government agreements or advancing the right to self-government through other mechanisms. This work will include collaboration with the Government of Canada.  | Ministry of Finance<br>Ministry of Indigenous Relations and Reconciliation |
| <b>1.5</b> Co-develop and implement new distinctions-based policy frameworks for resource revenue-sharing and other fiscal mechanisms with Indigenous Peoples.   | Ministry of Finance<br>Ministry of Indigenous Relations and Reconciliation |
| <b>1.6</b> Co-develop an approach to deliver on the BC Tripartite Education Agreement commitment, in which the Ministry of Education and the First Nations Education Steering Committee will co-develop legislation that requires local education agreements (LEAs) with First Nations where a First Nation wants one, and that requires the application of the provincial LEA at the request of a First Nation. | Ministry of Education and Child Care                                       |
| <b>1.7</b> Update the Bilateral Protocol agreement between the BC Ministry of Education and the First Nation Education Steering Committee for relevancy, effectiveness, and consistency with the UN Declaration to support First Nation students in the K-12 education system.   | Ministry of Education and Child Care                                       |
| <b>1.8</b> Recognize the integral role of Indigenous-led post-secondary institutes as a key pillar of B.C.'s post-secondary system through the provision of core funding, capacity funding and the development of legislation. This includes institutes mandated by First Nations, as well as a Métis post-secondary institute being developed by Métis Nation BC.   | Ministry of Advanced Education and Skills Training                         |

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| <b>1.9</b> Work with the Nicola Valley Institute of Technology, and the Urban Native Youth Association to co-develop an urban Indigenous centre that supports the childcare, housing and post-secondary needs of Indigenous learners, and strengthen the capacity of the Native Education College to provide culturally relevant post-secondary opportunities for urban Indigenous learners. | Ministry of Advanced Education and Skills Training |
| <b>1.10</b> Co-develop modernized emergency management legislation (replacing the <i>Emergency Program Act</i> ) with First Nations.   | Emergency Management BC                            |
| <b>1.11</b> Support inclusive regional governance by advancing First Nations participation in regional district boards.  | Ministry of Municipal Affairs                      |

| <b>ACTION</b>   | <b><u>ALL</u> MINISTRY(IES) IDENTIFIED IN THE ACTION PLAN</b>  |
|---|--|
| <b>THEME 2</b>  |  |
| <b>2.1</b> Create a dedicated secretariat to coordinate government's reconciliation efforts and to ensure new legislation and policies are consistent with the Declaration Act.   | Declaration Act Secretariat  |
| <b>2.2</b> Finalize the Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples.  | Ministry of Indigenous Relations and Reconciliation  |
| <b>2.3</b> Issue guidelines from the Attorney General of B.C. to the Ministry of Attorney General legal counsel regarding the conduct of civil litigation involving the rights of Indigenous Peoples.   | Ministry of Attorney General   |
| <b>2.4</b> Negotiate new joint decision-making and consent agreements under section 7 of the Declaration Act that include clear accountabilities, transparency and administrative fairness between the Province and Indigenous governing bodies. Seek all necessary legislative amendments to enable the implementation of any section 7 agreements.  | Ministry of Indigenous Relations and Reconciliation  |
| <b>2.5</b> Co-develop and employ mechanisms for ensuring the minimum standards of the UN Declaration are applied in the implementation of treaties, agreements under sections 6 and 7 of the Declaration Act and other constructive arrangements with First Nations.  | Ministry of Indigenous Relations and Reconciliation  |
| <b>2.6</b> Co-develop strategic-level policies, programs and initiatives to advance collaborative stewardship of the environment, land and resources, that address cumulative effects and respects Indigenous Knowledge. This will be achieved through collaborative stewardship forums, guardian programs, land use planning initiatives, and other innovative and evolving partnerships that support integrated land and resource management. | Ministry of Land, Water, and Resource Stewardship<br>Ministry of Indigenous Relations and Reconciliation<br>Ministry of Environment and Climate Change Strategy<br>Ministry of Forests, Ministry of Energy, Mines and Low Carbon Innovation<br>BC Oil and Gas Commission |

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| <b>2.7</b> Collaborate with First Nations to develop and implement strategies, plans and initiatives for sustainable water management, and to identify policy or legislative reforms supporting Indigenous water stewardship, including shared decision-making. Co-develop the Watershed Security Strategy with First Nations and initiate implementation of the Strategy at a local watershed scale. | Ministry of Land, Water and Resource Stewardship    |
| <b>2.8</b> Collaborate with Indigenous partners on issues related to conservation and biodiversity in B.C. including the protection of species at risk.   | Ministry of Land, Water and Resource Stewardship    |
| <b>2.9</b> Develop new strategies to protect and revitalize wild salmon populations in B.C. with First Nations and the federal government, including the development and implementation of a cohesive B.C. Wild Pacific Salmon Strategy.  | Ministry of Land, Water and Resource Stewardship    |
| <b>2.10</b> Reform forest legislation, regulations and policy to reflect a shared strategic vision with First Nations that upholds the rights and objectives of the UN Declaration.   | Ministry of Forests                                 |
| <b>2.11</b> Integrate traditional practices and cultural uses of fire into wildfire prevention and land management practices and support the reintroduction of strategized burning.   | Ministry of Forests                                 |
| <b>2.12</b> Collaboratively develop and implement CleanBC and the Climate Preparedness and Adaptation Strategy to support resilient communities and clean economic opportunities for Indigenous Peoples that benefit our shared climate and advance reconciliation.   | Ministry of Environment and Climate Change Strategy |
| <b>2.13</b> Identify and advance reconciliation negotiations on historical road impacts and road accessibility with First Nations on reserve, treaty and title lands, including reporting-out on the completion and implementation of these negotiations (collaboratively with First Nations partners).   | Ministry of Transportation and Infrastructure       |
| <b>2.14</b> Reform the <i>Mineral Tenure Act</i> in consultation and cooperation with First Nations and First Nations organizations.  | Ministry of Energy, Mines and Low Carbon Innovation |

| <b>ACTION</b>   | <b>ALL MINISTRY(IES) IDENTIFIED IN THE ACTION PLAN</b>                                       |
|---|--|
| <b>THEME 3</b>  |  |
| <b>3.1</b> Develop essential training in partnership with Indigenous organizations, and deliver to the B.C. public service, public institutions and corporations that aims to build foundational understanding and competence about the history and rights of Indigenous Peoples, treaty process, rights and title, the UN Declaration, the B.C. Declaration Act, the dynamics of proper respectful relations, Indigenous-specific racism, and meaningful reconciliation. | Public Service Agency<br>Ministry of Finance – Crown Agencies and Board<br>Resourcing Office |

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| <b>3.2</b> Establish an operational approach to set and achieve targets for equitable recruitment and retention of Indigenous Peoples across the public sector, including at senior levels.   | Public Service Agency,<br>Public Sector Employers' Council Secretariat  |
| <b>3.3</b> Develop and implement an anti-Indigenous racism and discrimination framework, driven by Indigenous voices and experiences, to address the "racism of low expectations" in the K-12 system as reported by the Auditor General in 2015 that includes resources, supports, evaluation and public reporting to address racism in the provincial public education system. | Ministry of Education and Child Care  |
| <b>3.4</b> Implement a mandatory course or bundle of credits related to First Peoples as part of graduation requirements in B.C. and co-create culturally relevant provincial resources with Indigenous people for use by all educators across the K-12 education system.   | Ministry of Education and Child Care  |
| <b>3.5</b> Provide resources to Indigenous organizations to improve public understanding of Indigenous histories, rights, cultures, languages and the negative impacts of Indigenous-specific racism.   | Ministry of Tourism, Arts, Culture and Sport  |
| <b>3.6</b> Introduce anti-racism legislation that addresses Indigenous-specific racism.   | Ministry of Attorney General  |
| <b>3.7</b> Implement recommendations made in the In Plain Sight: Addressing Indigenous-specific racism and discrimination in B.C. health care report, striving to establish a health care system in B.C. that is culturally safe and free of Indigenous-specific racism.  | Ministry of Health  |
| <b>3.8</b> Develop and implement community-driven activities to end violence against Indigenous women, girls and 2SLGBTQQIA+ people, beginning with the foundational activities in A Path Forward: Priorities and Early Strategies for B.C. and steps towards achieving the mandate commitment to develop a gender-based violence action plan.                                  | Ministry of Public Safety and Solicitor General<br>Ministry of Attorney General<br>Ministry of Finance - Gender Equity Office |
| <b>3.9</b> Identify and implement multi-modal transportation solutions that provide support and enable the development of sustainable, safe, reliable and affordable transportation options for First Nations communities.  | Ministry of Transportation and Infrastructure   |
| <b>3.10</b> Implement improvements to public safety oversight bodies and complaints processes, such as enhanced investments in the B.C. Human Rights Tribunal and new models for including Indigenous laws in complaints resolution.  | Ministry of Attorney General<br>Ministry of Public Safety and Solicitor General   |

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| <b>3.11</b> Develop and implement comprehensive policing reforms to address systemic biases and racism. This will include: updating the <i>Police Act</i> , BC Provincial Policing Standards and mandatory training requirements; enhancing independent oversight; clarifying the roles and responsibilities of police officers in the context of complex social issues such as mental health, addiction and homelessness; and contributing to the modernization of the federal First Nations Policing Program. | Ministry of Public Safety and Solicitor General<br>Ministry of Attorney General<br>Ministry of Mental Health and Addictions |
| <b>3.12</b> Prioritize implementation of the First Nations Justice Strategy to reduce the substantial overrepresentation of Indigenous Peoples involved in and impacted by the justice system. This includes affirming First Nations self-determination and enabling the restoration of traditional justice systems and culturally relevant institutions.   | Ministry of Attorney General<br>Ministry of Public Safety and Solicitor General   |
| <b>3.13</b> Prioritize endorsement and implementation of the Métis Justice Strategy to reduce the substantial overrepresentation of Métis Peoples in and impacted by the justice system. This includes affirming Métis self-determination, and enabling the restoration of traditional justice systems and culturally relevant institutions.  | Ministry of Attorney General<br>Ministry of Public Safety and Solicitor General   |
| <b>3.14</b> Advance the collection and use of disaggregated demographic data, guided by a distinctions-based approach to Indigenous data sovereignty and self-determination, and support the establishment of an Indigenous-governed and mandated regional data centre and alignment with the Data Governance Strategy.   | Ministry of Citizens' Services  |
| <b>3.15</b> Adopt an inclusive digital font that allows for Indigenous languages to be included in communication, signage, services and official records.   | Ministry of Citizens' Services  |

| <b>ACTION</b>  | <b><u>ALL</u> MINISTRY(IES) IDENTIFIED IN THE ACTION PLAN</b>                              |
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| <b>THEME 4</b>   |  |
| <b>4.1</b> Identify and undertake concrete measures to increase the literacy and numeracy achievement levels of Indigenous students at all levels of the K-12 education system, including the early years. | Ministry of Education and Child Care   |
| <b>4.2</b> Develop and implement an effective recruitment and retention strategy to increase the number of Indigenous teachers in the K-12 public education system.  | Ministry of Education and Child Care<br>Ministry of Advanced Education and Skills Training |
| <b>4.3</b> Co-develop and implement a framework for the involvement of Indigenous Education Councils in school district financial planning and reporting.  | Ministry of Education and Child Care   |

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| <b>4.4</b> Identify, develop and implement mechanisms and approaches to enable boards of education to better support Indigenous students, including increasing and ensuring equitable access to education and safe environments.  | Ministry of Education and Child Care                           |
| <b>4.5</b> Co-develop a policy framework for Indigenous post-secondary education and skills training that includes:<br>supporting post-secondary institutions to be more culturally relevant and responsive to the needs of First Nations, Métis and Inuit learners and communities;<br>expanding the Aboriginal Service Plan program to all 25 public post-secondary institutions;<br>ensuring that Indigenous learners have access to student housing that is safe, inclusive, and enables them to thrive personally, academically, and culturally;<br>developing mechanisms for First Nations, Métis and Inuit learners and communities to play an integral role in public post-secondary institutions' decision-making; and<br>identifying legislative amendments needed to ensure all public post-secondary institution boards include at least one Indigenous person. | Ministry of Advanced Education and Skills Training             |
| <b>4.6</b> Promote culturally relevant sport, physical activity and recreation initiatives and opportunities that increase Indigenous engagement, participation and excellence in both traditional and mainstream sports for individuals in both urban and rural or remote areas.   | Ministry of Tourism, Arts, Culture and Sport                   |
| <b>4.7</b> Demonstrate a new and more flexible funding model and partnership approach that supports First Nations to plan, design and deliver mental health and wellness services across a full continuum of care and to address the social determinants of health and wellness.  | Ministry of Health<br>Ministry of Mental Health and Addictions |
| <b>4.8</b> In alignment with the tripartite health plans and agreements, continue to strengthen and evolve the First Nation health governance structure in B.C. to ensure First Nations are supported to participate as full and equal partners in decision-making and service delivery at local, regional and provincial levels, and engage First Nations and the Government of Canada on the need for legislation as envisioned in the tripartite health plans and agreements.  | Ministry of Health<br>Ministry of Mental Health and Addictions |
| <b>4.9</b> As a part of the implementation of the <i>Accessible British Columbia Act</i> , support the identification, prevention and removal of barriers for Indigenous persons with disabilities. This includes ensuring that the development of accessibility standards considers the rights recognized and affirmed by the UN Declaration.  | Ministry of Social Development and Poverty Reduction           |

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| <b>4.10</b> Prioritize the implementation of Primary Care Networks, the First Nations-led Primary Health Care Initiative, and other primary care priorities, embedding Indigenous perspectives and priorities into models of care to increase Indigenous Peoples' access to primary care and other health services, and to improve cultural safety and quality of care.  | Ministry of Health  |
| <b>4.11</b> Increase the availability, accessibility and the continuum of Indigenous-led and community-based social services and supports that are trauma-informed, culturally safe and relevant, and address a range of holistic wellness needs for those who are in crisis, at-risk or have experienced violence, trauma and/or significant loss.  | Ministry of Public Safety and Solicitor General<br>Ministry of Health<br>Ministry of Mental Health and Addictions           |
| <b>4.12</b> Address the disproportionate impacts of the overdose public health emergency on Indigenous Peoples by:<br>coordinating with police chiefs and other partners to push the Government of Canada to decriminalize simple possession of small amounts of illicit drugs for personal use, and continuing campaigns and other measures to help end the stigma and shame associated with addiction;<br>expanding prescribed safer supply and other harm reduction measures; and<br>ensuring accessibility of recovery beds and evidence-based, culturally relevant and safe services to meet needs. | Ministry of Mental Health and Addictions<br>Ministry of Public Safety and Solicitor General<br>Ministry of Attorney General |
| <b>4.13</b> Increase the availability and accessibility of culturally safe substance use services, including through the renovation and construction of Indigenous-run treatment centres and the integration of land-based and traditional approaches to healing.  | Ministry of Health<br>Ministry of Mental Health and Addictions  |
| <b>4.14</b> Increase the availability and accessibility of resources to Indigenous partners in COVID-19 pandemic health and wellness planning and response, including the implementation of the Rural, Remote, First Nations and Indigenous COVID-19 Framework to ensure access for all Indigenous Peoples to immediate and culturally safe and relevant care closer to home.  | Ministry of Health<br>Ministry of Mental Health and Addictions  |
| <b>4.15</b> Incorporate Indigenous experiences and knowledge of poverty and well-being into ongoing poverty reduction efforts and the 2024 Poverty Reduction Strategy. The strategy will recognize the ongoing impacts of colonialism and include Indigenous-identified actions and progress measures.   | Ministry of Social Development and Poverty Reduction  |
| <b>4.16</b> Co-develop a B.C.-specific fiscal framework, in partnership with First Nations, Métis and Inuit, and in consultation with key Indigenous organizations, to support and move forward with jurisdiction over child and family services.  | Ministry of Children and Family Development   |

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| <b>4.17</b> In collaboration with B.C. First Nations and Métis Peoples, and Inuit, continue implementing changes to substantially reduce the number of Indigenous children and youth in care through increased prevention and family support services at all stages of contact with the child welfare system.   | Ministry of Children and Family Development  |
| <b>4.18</b> As committed to in the First Nations Children and Youth in Care Protocol, co-develop and implement measures to support improved education outcomes of current and former First Nation children and youth in care, including meaningful data collection to inform policy planning and service delivery.  | Ministry of Education and Child Care<br>Ministry of Children and Family Development<br>Ministry of Advanced Education, Skills and Training |
| <b>4.19</b> As part of a commitment to an inclusive, universal childcare system, work in collaboration with B.C. First Nations, Métis, and Inuit Peoples to implement a distinctions-based approach to support and move forward jurisdiction over child care for First Nations, Métis and Inuit Peoples who want and need it in B.C.                                      | Ministry of Education and Child Care   |
| <b>4.20</b> Advance a collaborative, whole-of-government approach in the partnership between the Métis Nation of British Columbia and the Province of B.C., respecting Métis self-determination and working to establish more flexibility and sustainability in funding.  | Ministry of Indigenous Relations and Reconciliation  |
| <b>4.21</b> Bring together key Indigenous urban leaders to create a provincial urban Indigenous advisory table to develop and implement a 5-year plan to address the priorities of urban Indigenous Peoples, including a focus on Elders, youth, children, women, men, 2SLGBTQIA+ and persons with disabilities.  | Ministry of Indigenous Relations and Reconciliation<br>Ministry of Social Development and Poverty Reduction                                |
| <b>4.22</b> Ministers and executives across the provincial government social sector will meet annually with urban Indigenous service organization leaders, such as the provincial urban Indigenous advisory table (see Action 4.21), to discuss successes, innovations, and challenges of supporting the social, cultural and economic needs of urban Indigenous Peoples. | Ministry of Indigenous Relations and Reconciliation  |
| <b>4.23</b> Undertake a cross-government review of provincial supports and services for Indigenous Peoples in urban settings and develop a plan with clear timelines that will provide greater collaboration and coordination to meet needs.  | Ministry of Indigenous Relations and Reconciliation  |
| <b>4.24</b> Expand support to Aboriginal Friendship Centres and other urban Indigenous organizations that serve the needs of urban Indigenous people in B.C. while also acknowledging that Aboriginal Friendship Centres and other urban Indigenous organizations play a vital role for those that wish to connect to their cultures and traditions.                      | Ministry of Indigenous Relations and Reconciliation  |
| <b>4.25</b> Work with Indigenous Peoples to build more on- and off-reserve housing and pursue new federal contributions.  | Ministry of Attorney General<br>Ministry of Indigenous Relations and Reconciliation  |



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| <b>4.26</b> Strengthen the health and wellness partnership between Métis Nation British Columbia, the Ministry of Health and the Ministry of Mental Health and Addictions, and support opportunities to identify and work to address shared Métis health and wellness priorities.  | Ministry of Health<br>Ministry of Mental Health and Addictions  |
| <b>4.27</b> Review the principles and processes that guide the naming of municipalities and regional districts, and evolve practices to foster reconciliation in local processes.  | Ministry of Municipal Affairs   |
| <b>4.28</b> Draft a report with recommendations for how BC Parks can better reflect Indigenous Peoples' histories and cultures in provincial parks and protected areas.  | Ministry of Environment and Climate Change Strategy   |
| <b>4.29</b> Establish an Indigenous-led working group to develop a strategy for the revitalization of Indigenous languages in B.C., including potential legislative supports.  | Ministry of Indigenous Relations and Reconciliation<br>Ministry of Education and Child Care<br>Ministry of Advanced Education Skills and Training |
| <b>4.30</b> Support Indigenous language revitalization through sustainable funding.  | Ministry of Indigenous Relations and Reconciliation<br>Ministry of Advanced Education Skills and Training   |
| <b>4.31</b> Develop full-course offerings in First Nation languages and implement the educational Calls to Action from the Truth and Reconciliation Commission in the K-12 education system.   | Ministry of Education and Child Care  |
| <b>4.32</b> Co-develop a K-12 First Nations Language Policy and associated implementation plan for the public education system with the First Nations Education Steering Committee, including ensuring that the language and culture of the local First Nation(s) on whose territory(ies) a board of education operates schools are the ones primarily reflected in any First Nations language and culture programs and services of the board. | Ministry of Education and Child Care  |
| <b>4.33</b> Co-develop a policy framework to support repatriation initiatives.   | Ministry of Tourism, Arts, Culture and Sport  |
| <b>4.34</b> Reset the relationship between the Royal BC Museum and Indigenous Peoples in B.C. by ensuring that Indigenous voices are prioritized and inform the development of narratives, exhibitions and learning programs.  | Ministry of Tourism, Arts, Culture and Sport  |
| <b>4.35</b> Work with First Nations to reform the <i>Heritage Conservation Act</i> to align with the UN Declaration, including shared decision-making and the protection of First Nations cultural, spiritual, and heritage sites and objects.   | Ministry of Forests, Ministry of Tourism, Arts, Culture and Sports  |
| <b>4.36</b> Ensure every First Nations community in B.C. has high-speed internet services.   | Ministry of Citizens' Services  |
| <b>4.37</b> Provide funding to assist Indigenous tourism businesses that have been financially impacted by the COVID-19 pandemic, in order to further support recovery of the Indigenous tourism sector in B.C.  | Ministry of Tourism, Arts, Culture and Sport  |

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| <b>4.38</b> Provide investments to Indigenous Tourism B.C. to support Indigenous tourism, Indigenous job creation, preservation of Indigenous languages, celebration of Indigenous cultures and the stewardship of territories, and to tell the stories of Indigenous Peoples in B.C. in their own words.  | Ministry of Tourism, Arts, Culture and Sport   |
| <b>4.39</b> Work with the Province's Economic Trusts and First Nation partners to develop a mechanism that ensures inclusion of First Nations at a regional decision-making level.   | Ministry of Jobs, Economic Recovery and Innovation   |
| <b>4.40</b> Ensure Indigenous collaboration in the development and implementation of the BC Economic Plan, including a technology and innovation roadmap.  | Ministry of Jobs, Economic Recovery and Innovation   |
| <b>4.41</b> Work with First Nations, Métis chartered communities and urban Indigenous organizations to provide funding for self-determined, community-led programs for Indigenous Peoples to upgrade skills, obtain credentials, secure employment, and develop and support community economies.   | Ministry of Advanced Education and Skills Training<br>Ministry of Social Development and Poverty Reduction |
| <b>4.42</b> Co-develop economic metrics to help evaluate progress as reconciliation is advanced. The baseline data will begin to address the persistent gap in Indigenous-specific economic metrics and through this co-designed effort, build a comprehensive set of data to measure Indigenous economic well-being and track progress over time. | Ministry of Jobs, Economic Recovery and Innovation<br>Ministry of Indigenous Relations and Reconciliation  |
| <b>4.43</b> Co-develop recommendations on strategic policies and initiatives for clean and sustainable energy. This includes identifying and supporting First Nations-led clean energy opportunities related to CleanBC, the Comprehensive Review of BC Hydro, and the BC Utilities Commission Inquiry on the Regulation of Indigenous Utilities.  | Ministry of Energy, Mines and Low Carbon Innovation  |
| <b>4.44</b> Review, evaluate and improve B.C.'s Indigenous Youth Internship Program.   | Public Service Agency  |
| <b>4.45</b> Prioritize and increase the number of technology sector training opportunities for Indigenous Peoples and other groups currently under-represented in B.C.'s technology sector.  | Ministry of Jobs, Economic Recovery and Innovation   |
| <b>4.46</b> Improve economic supports for Indigenous workers and employers by increasing access for Indigenous clients to the Ministry of Labour's services and programs, including employment standards, workers' compensation and workplace safety.  | Ministry of Labour   |
| <b>4.47</b> Advance a collaborative approach to cannabis-related governance and jurisdiction between First Nations and the Province that reflects common objectives to protect youth, prioritize public health and safety, strengthen First Nations governance capacity and secure economic benefits for First Nations.                            | Ministry of Public Safety and Solicitor General  |

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| <b>4.48</b> Work with the B.C. Indigenous Advisory Council on Agriculture and Food and other Indigenous partners to identify opportunities to strengthen Indigenous food systems and increase Indigenous participation in the agriculture and food sector. | Ministry of Agriculture and Food                    |
| <b>4.49</b> Review existing provincial mandates to enhance treaty and self-governing Nations' fiscal capacity to deliver services to their citizens.   | Ministry of Indigenous Relations and Reconciliation |

## Interim Approach to Implementing the Requirements of Section 3 of the *Declaration on the Rights of Indigenous Peoples Act*

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Prepared by the Declaration Act Secretariat

### Purpose

Section 3 of the *Declaration on the Rights of Indigenous Peoples Act* requires that Province “in consultation and cooperation with Indigenous peoples” take “all measures necessary” to ensure consistency between the laws of British Columbia and the *United Nations Declaration on the Rights of Indigenous Peoples*.

Implementing section 3 means that the Province must work to ensure better consistency and clarity of process for involving Indigenous peoples<sup>1</sup> in policy and legislative development. The Province is developing measures to achieve this through multiple venues, including working directly with First Nations on a government-to-government basis, including implementing treaties, agreements, and other constructive arrangements, as well as through on-going work with the Alliance of BC Modern Treaty Nations<sup>2</sup> (ABCMTN), First Nations Leadership Council<sup>3</sup> (FNLC), and Métis Nation BC<sup>4</sup> (MNBC). This includes measures that were evolving through current Ministry-specific policy and legislative development processes. All of this work must be distinctions-based, including as stated in the Draft 10 Principles, the Declaration Act, and the Declaration Act Action Plan.

The Declaration Act Secretariat<sup>5</sup> supports routine cross-government measures, that will ultimately constitute a reformed process, for including Indigenous peoples in policy and legislative development. It is also recognized that while those measures are being fully developed, interim guidance for public servants is needed as the obligations in section 3 of the Declaration Act are in force.

This document provides **interim guidance** for implementing section 3 of the Declaration Act and, in particular, regarding approaches for involving Indigenous peoples in policy and legislative development. This is an interim document; it may be updated periodically to incorporate additional information and guidance from the Declaration Act Secretariat. All ministries needing guidance and advice regarding the

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<sup>1</sup> Consistent with section 35 of the Constitution Act, 1982 and section 1 of the Declaration Act, the term “Indigenous Peoples” includes First Nations, Métis and Inuit Peoples in Canada.

<sup>2</sup> The Shared Priorities Framework, signed in March 2022 between British Columbia and the members of the Alliance of BC Modern Treaty Nations, renews a commitment to timely, effective and appropriately resourced implementation of modern treaties with broad outcomes that included meaningful involvement of modern treaty nations in legislative and policy initiatives.

<sup>3</sup> The First Nations Leadership Council acts pursuant to mandates provided by Title and Rights Holders, including through resolutions passed through the member organizations of the FNLC.

<sup>4</sup> The October 27, 2021, Letter of Intent between Métis Nation British Columbia (MNBC) and the Province proposes a new whole-of-government approach to Métis relations as a partnership between MNBC and British Columbia that respects Métis self-determination.

<sup>5</sup> The development of the Secretariat is directed in the mandate letter (2020) of the Minister of Indigenous Relations and Reconciliation.

understanding and implementation of the policy contained in this document should contact the Declaration Act Secretariat.

## Context

The UN Declaration is the most comprehensive international human rights instrument to explicitly address the human rights of Indigenous peoples.

The UN Declaration:

“...emphasizes the rights of indigenous peoples to maintain and strengthen their own institutions, cultures and traditions and to pursue their development in keeping with their own needs and aspirations. It establishes an important standard for eliminating human rights violations against Indigenous peoples worldwide and for combating discrimination and marginalization.”<sup>6</sup>

The UN Declaration has 46 articles that constitute the “minimum standards for the survival, dignity and well-being of the indigenous peoples of the world” and “elaborates on existing human rights standards and fundamental freedoms as they apply to the specific situation of indigenous peoples”. The UN Declaration is to be read as a whole; the rights and standards within it are interconnected. They cannot be isolated from one another or chosen between.

The UN Declaration also contains direction to States (e.g. Crown governments), on how to develop policy and legislation.

Article 19:

States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions **in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures** that may affect them.

Article 38:

States in consultation and cooperation with indigenous peoples, shall take the appropriate measures, including legislative measures, to achieve the ends of this Declaration.

The importance of the UN Declaration was reinforced in 2015 in the Truth and Reconciliation Commission of Canada’s Call to Action 43:

43. We call upon federal, provincial, territorial, and municipal governments to fully adopt and implement the United Nations Declaration on the Rights of Indigenous Peoples as the framework for reconciliation.

The Declaration Act reflects the role of the UN Declaration as the framework for reconciliation.<sup>7</sup>

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<sup>6</sup> [https://www.un.org/esa/socdev/unpfii/documents/Declaration\\_ip\\_pressrelease.pdf](https://www.un.org/esa/socdev/unpfii/documents/Declaration_ip_pressrelease.pdf)

<sup>7</sup> The federal United Nations Declaration on the Rights of Indigenous Peoples Act also reflects the role of the UN Declaration as the framework for reconciliation, as called for by the Truth and Reconciliation Commission Call to Action 43.

The purposes of the Declaration Act are to:

- Affirm the application of the UN Declaration to the laws of B.C.;
- Contribute to the implementation of the UN Declaration in B.C.; and
- Support the affirmation of, and develop relationships with, Indigenous governing bodies.

The Declaration Act requires the Province, in consultation and cooperation with Indigenous peoples, to:

- Ensure provincial laws are consistent with the UN Declaration (section 3);
- Develop and implement an action plan to achieve the objectives of the UN Declaration (section 4); and
- Monitor progress through public annual reporting (section 5).

Key terms in the Declaration Act include:

**“Indigenous peoples”** has the same meaning as aboriginal peoples in section 35 of the *Constitution Act, 1982* (note that this term includes First Nations, Inuit and Métis peoples);

**“Indigenous governing body”** means an entity that is authorized to act on behalf of Indigenous peoples that hold rights recognized and affirmed by section 35 of the *Constitution Act, 1982*.

The Declaration Act sets out a process for the Province to enter into agreements with Indigenous governing bodies, including joint or consent-based decision-making agreements (sections 6 and 7). The following link provides guidance on [Indigenous governing bodies](#).

The phrase **“consultation and cooperation”** in the Declaration Act is taken from the UN Declaration and its meaning has been the subject of advice from the United Nations Expert Mechanism on the Rights of Indigenous Peoples:

“Use in the [UN] Declaration of the combined terms “consult and cooperate” denotes a right of indigenous peoples to influence the outcome of decision-making processes affecting them, not a mere right to be involved in such processes or merely to have their views heard. It also suggests the possibility for indigenous peoples to make a different proposal or suggest a different model, as an alternative to the one proposed by the Government or other actor.”<sup>8</sup>

As such, the Province must approach policy and legislation development that may affect Indigenous peoples in a manner that ensures Indigenous peoples are fully involved partners in the process and have opportunities to influence the outcome of matters that may affect them.

## Interim Process for Implementing Section 3

The guidance in this section focuses on the process for developing policy and legislation to ensure the requirements in section 3 of the Declaration Act are met. As the Province is continuing to develop measures to implement section 3, the guidance in this section should be considered interim. It will be updated and supplemented as the work of implementing the Declaration Act in consultation and

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<sup>8</sup> United Nations, General Assembly, Human Rights Council, *Study of the Expert Mechanism on the Rights of Indigenous Peoples: Free, prior and informed consent: a human rights-based approach*, [A/HRC/39/62](#) (10 August 2018) at para. 15.

cooperation with Indigenous peoples continues. The Declaration Act supports ministries in implementing this guidance, as well as the development of additional measures for implementing section 3. Additionally, ministries should seek guidance from the Indigenous Legal Relations Solicitors Unit (NATRIL) within the Legal Services Branch (MAG), as well as ministry-specific legal counsel, throughout the application of this interim process.

The interim process has been developed through on-going efforts to effect consultation and co-operation with Indigenous peoples during the development of policy and legislation. The experiences of ministries in working with Indigenous peoples on policy and legislative change since the passage of the Declaration Act have informed the development of this guidance.<sup>9</sup>

The following diagram (Append 1) illustrates the interim process for working with Indigenous peoples in the development of policy and legislation. This interim process is intended to support new approaches to collaboration, information sharing and drafting that bring in the Indigenous perspectives to build a shared understanding of the effect of the policy and legislation on Indigenous people's rights or interests and ensure that policies and laws are developed or amended to be consistent with the UN Declaration.

### **See Appendix 1**

The diagram identifies **5 points in time** where involvement of Indigenous peoples takes place in the development of policy and legislation.

#### **1: Initiate Policy Exploration and Establish Consultation and Cooperation Plan**

At the earliest stage of policy development for potential legislation – when the Province is identifying the problem statement (what is the issue or problem we are trying to address or solve through potential policy and legislation?) - dialogue with Indigenous peoples is required. Dialogue at this stage is to identify priorities, begin to consider how the policy and potential legislation may affect Indigenous peoples, and begin to identify how it may be consistent with the UN Declaration.

There is no single, prescriptive approach to how this vitally important early engagement may take place. What is required will vary, depending on how the policy being developed and how potential legislation may affect Indigenous peoples. It may be that early engagement will include a range of measures (e.g., meetings, workshops, correspondence) to share information and dialogue with First Nations, other Indigenous peoples, and Indigenous organizations, taking the required distinctions-based approach<sup>10</sup>. For example, it may often be appropriate to also work not only with Indigenous peoples, but also in

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<sup>9</sup> Some examples of recent processes that have illustrated certain current effective practices include: MCFD's "Letter of Commitment" of how they will work with the FNLC; the process for the development of the Anti-Racism legislation; and the process used to develop the Declaration Act itself.

<sup>10</sup> The distinctions-based approach requires that the Province's dealings with First Nations, Métis and Inuit Peoples be conducted in a manner that acknowledges the specific rights, interests, priorities and concerns of each, while respecting and acknowledging these distinct Peoples with unique cultures, histories, rights, laws, and governments. Section 35 of the Constitution Act, 1982, recognizes and affirms the rights of Aboriginal Peoples of Canada, while all Indigenous Peoples have human rights that are expressed in the UN Declaration. However, not all rights are uniform or the same among or between all Indigenous Peoples. In many cases, a distinctions-based approach will require that the Province's relationship and engagement with First Nations, Métis and Inuit Peoples include different approaches or actions and result in different outcomes.

collaboration with political and advocacy organizations established by Indigenous Peoples, and sectoral organizations, with whom the Province has established relationships and processes that continue to evolve<sup>11</sup>.

It is important to understand that legislation or policy of “general application” may affect Indigenous peoples, as indicated by the United Nations:

It would be unrealistic to say that the duty of States to consult directly with Indigenous peoples through special, differentiated procedures applies literally, in the broadest sense, whenever a State decision may affect them, since almost all legislative and administrative decisions that a State adopts may affect the Indigenous peoples of the State along with the rest of the population in one way or another. Rather, ... it applies whenever a State decision may affect Indigenous peoples in ways not felt by others in society. Such a differentiated effect occurs when the interests or conditions of indigenous peoples that are particular to them are implicated in the decision, even when the decision may have a broader impact, as in the case of certain legislation.<sup>12</sup> (emphasis added)

For example, land and resource policy and legislation may affect First Nations in particular ways due to their rights and interests relating to land in their traditional territories (see Articles 26 and 29 of the UN Declaration) and identifying and addressing these impacts will require a distinctions-based approach. As well, legislation dealing with children in care affects Indigenous peoples in particular ways, given the ongoing impact of colonialism on Indigenous societies and relevant UN Declaration standards relating to children (see, for example, UN Declaration Article 7.2 and TRC Calls to Action 1 to 5).

The potential to affect Indigenous peoples gives rise to the need to engage in dialogue with Indigenous peoples to determine whether and how they wish to be involved in developing policy or laws, to ensure consistency with their human rights set out in the UN Declaration, which may include co-development of proposed policy and legislation, through actions in the other points in time in the interim legislative process.

Once it is determined that the proposed policy or legislation may affect Indigenous peoples, effective processes for Indigenous peoples to participate in developing policy and legislation must be implemented. There is no single model for this consultation and cooperation. How processes may look will vary depending on the nature, scope, and potential effects of the proposed policy or legislation and what Indigenous peoples have indicated are substantive or process priorities through early engagement. As well, a distinctions-based approach must always be followed.

Approaches to consultation and cooperation are informed by, but not limited to, the following:

- The subject-matter of the policy or legislation being developed and how it relates to Indigenous peoples or their rights (e.g. engagement relating to land and resources is often more specific to

<sup>11</sup> Ministries should seek guidance from MAG and MIRR at this stage on any MOU's or established protocols or processes that may be engaged by the evolving policy proposal, including those with First Nations, FNLC, First Nations Organizations, ABMTN, MNBC, and urban Indigenous organizations.

<sup>12</sup> United Nations, General Assembly, Human Rights Council, Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, James Anaya: Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development, A/HRC/12/34 (15 July 2009) (*Report of the Special Rapporteur 2009*) at para. 43.



First Nations, while engagement on social sector initiatives will include not only First Nations, but potentially First Nation organizations, Inuit or Métis peoples);

- The level of interest in the proposed policy and legislation indicated by Indigenous peoples;
- The desired degree and form of engagement as indicated by Indigenous peoples and partners;
- Existing commitments, treaties, agreements or other constructive arrangements with Indigenous peoples and Indigenous governing bodies, which include obligations and must be considered when relevant to the policy issue or situation;<sup>13</sup> and
- Crown obligations under section 35(1) of the Constitution Act, 1982 (e.g. upholding the honour of the Crown).

In situations where mechanisms and processes for engagement are not in place, they should be jointly determined with Indigenous partners. It is important to establish clear expectations around matters such as process, mandates, development of documents, tracking of outcomes, and funding. Ensure there is adequate time for consultation and cooperation.

Determining who should be involved in consultation and co-operation is also vitally important. Indigenous peoples, as rights holders, must be the focus of consultation and co-operation. However, not all Indigenous peoples will choose to be involved in the same way. Issues that are priorities for some, and priorities for the Province, may be determined by some Indigenous peoples to not be a priority for them. As well, a distinctions-based approach must be applied. For example, there will be circumstances and contexts, such as with respect to land and resource matters, where only First Nations will be part of the process of development of the policy and legislation.

As a general practice as well, any process of consultation and cooperation should accommodate multiple ways for Indigenous peoples to be involved. It should never be presumed (or imposed) that Indigenous peoples will all choose to be involved in the same way, and it is not for the Province to impose modes of involvement.

To establish who should be involved in the consultation and cooperation, consider the following:

- Determine how both Indigenous peoples and their organizations should be involved. For instance, in some cases First Nations' political leadership collaborate with First Nation organizations for technical and subject matter expertise. Be sure to understand how Indigenous organizations relate to leadership and the peoples they represent.

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<sup>13</sup> The Government of B.C.'s website provides a list of [modern treaties](#), historic treaties and [reconciliation and other agreements](#). In addition, historic treaties (the "Douglas" or "pre-confederation" treaties on Vancouver Island and Treaty 8 in the northeast) and modern treaties contain treaty rights that are protected under section 35 (1) of the Constitution.

- Seek internal advice from those who understand the complexities and dynamics of collaborating with Indigenous peoples on policy and legislation – this includes the Declaration Act Secretariat, regional staff that work closely with Indigenous partners or Indigenous Relations and Affairs units across ministries.
- Seek internal advice on required protocols and practices in place through treaties, agreements, and other constructive arrangements.
- Seek guidance from Indigenous partners on how to respect any Indigenous protocols, traditions, governance processes, laws and jurisdiction.
- Seek internal advice on any legal matters that may have to be addressed through working with the Indigenous Legal Relations Solicitors Unit (NATRIL) within the Legal Services Branch (MAG), as well as Ministry-specific legal counsel.
- While some ministries will have existing relationships with Indigenous partners, others may not. Seek cross-ministry dialogue across relevant sectors to learn more about established relationships where they exist, and to support this collaborative work in an effective and efficient way.
- Seek clarity and understanding of how to appropriately engage the diversity of voices among engaged Indigenous partners. This includes opportunities beyond governance structures (e.g. hereditary and elected leaders) to an intersectional approach that could engage Indigenous women, Elders and youth, persons with disabilities, organizations that serve urban Indigenous populations and other subject matter experts and impacted peoples within an Indigenous community. This helps ensure that all relevant Indigenous peoples have participated.
- Seek guidance from other subject matter experts (e.g. youth) of the Indigenous peoples you have determined should be involved in your process.
- Always apply a distinctions-based process.

Finally, it is critically important to remember that any consultation and cooperation plan ministries develop must contemplate what might be done throughout the entire development of policy and legislation – through all of the points in time outlined in the interim process for implementing section 3 (see Appendix 1 – Interim Legislative Process). As such, all the points in time must be considered in developing the consultation and cooperation plan.

## 2: Development of Request for Decision

Based on the early development of policy and the on-going implementation of the consultation and cooperation process a “**Request for Decision**” (RFD) will be developed. A request for decision must be informed by the early exploration of policy ideas with Indigenous peoples, provide clarity on the particular policy areas engaged by the proposed policy or legislation, examine how the proposed policy

may affect Indigenous peoples and is consistent with the UN Declaration, and provide clarity on the expected legislative timeline.

Requests for Decision can be jointly prepared with Indigenous peoples (also known as co-development), and the work done at points 1 and 2 will determine when it is necessary and appropriate to undertake this joint development. In some instances, such as where document for Cabinet are being developed and shared, confidentiality protocols will be necessary<sup>14</sup>.

It may also be the case that First Nations organizations may play a direct role in supporting how consultation and co-operation takes place in the development of the Request for Decision, based on their mandates from First Nations. For example, often this may include the legal and policy teams of the FNLC being actively engaged in the joint development of the Request for Decision to Cabinet. You may also work collectively with the Alliance of BC Modern Treaty Nations respecting individual modern treaties, and the Shared Priority Framework with ABCNTN, and Treaty Nations as required by treaties, agreements and other constructive arrangements, and with MNBC as appropriate. A distinction-based approach must always be applied.

Based on your consultation and co-operation process, there may also be on-going dialogue, engagement, and work with Indigenous peoples throughout the development and consideration of a Request for Decision.

### 3: Development of Request for Legislation

Subsequent to the approval of a Request for Decision, the development of a **“Request for Legislation”** (RFL) will take place. A central aspect of this will be the development of a **“three-column document”** that identifies the proposed contents of the legislation and their policy rationale. The three-column document must reflect the outcome of the Request for Decision, must be informed by the on-going exploration of policy ideas with Indigenous peoples, and reflect how the proposed policy may affect Indigenous peoples and is consistent with the UN Declaration.

Requests for Legislation can be jointly prepared with Indigenous peoples (also known as co-development), and the work done at points 1 and 2 will determine when it is necessary and appropriate to undertake this joint development. In some instances, such as where documents for Cabinet are being developed and shared, confidentiality protocols will be necessary.

As with the RFD, it may also be the case that First Nations organizations, and in particular the FNLC and the ABCMTN, may play a direct role in supporting how consultation and co-operation takes place in the development of the Request for Legislation, based on their mandates from First Nations. This may include the legal and policy teams of the FNLC being actively engaged in the joint development of the

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<sup>14</sup> If your efforts involve the sharing of legislation or confidential documents associated with legislation, a new confidentiality agreement has been developed that can be used across all provincial ministries. These agreements are valid for a calendar year and should be used in situations where the individual you’re consulting with is someone you plan on interacting with more than once in a calendar year. Once an agreement has been signed by an individual, any ministry official is able to share legislation or associated documents with them, being mindful that the specific documents you intend on sharing should be confirmed by your solicitor.

Request for Legislation. You may also work collectively with the Alliance of BC Modern Treaty Nations respecting individual modern treaties, and the Shared Priority Framework with ABCMTN, and Treaty Nations as required by treaties, agreements and other constructive arrangements, and with MNBC as appropriate. A distinctions-based approach must always be applied.

Based on your consultation and co-operation process, there may also be on-going dialogue, engagement, and work with Indigenous peoples throughout the development and consideration of a Request for Legislation to Cabinet.

#### **4: Legislative Drafting**

Legislative drafting takes place by legislative counsel working under the direction of a directing official. The three-column document developed under 3 above guides the legislative drafting.

The current policy and practice of British Columbia is that co-development does not include Indigenous peoples drafting together with legislative counsel or the sharing of legal advice relating to the policy or legislation.<sup>15</sup> However, it can include, with confidentiality protocols in place, the sharing of consultation drafts of legislation with Indigenous peoples, the joint review of those drafts, and the directing official taking proposals for change to the legislative council based on that consultation and co-operation. In some instances, this process of reviewing and proposing change(s), may take place multiple times.<sup>16</sup>

As well, additional guidance and measures regarding legislative drafting are being discussed with the Declaration Act Secretariat, through processes in place with the ABCMTN, the FNLC based on their mandates from First Nations, and with MNBC as appropriate.

#### **5: Introduction of Bill - Parliamentary process**

Once the Bill (legislation) has been tabled for debate in the legislature, there may sometimes be additional opportunities for reviewing, and potentially amending, the proposed legislation in collaboration. However, currently this is subject to the Parliamentary process and decisions made by provincial elected officials during the Parliamentary process. Some of the many opportunities that may exist, as determined by the Parliamentary process and political decision-making, include: meetings and briefings for Indigenous representatives with Ministers and the public service; public forums about the legislation; and legislative committee hearings and processes. As well, during the Parliamentary process statements and documents may be made public about how the legislation was developed, the consultation and co-operation that took place, and how the legislation is consistent with the UN Declaration.

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<sup>15</sup> If you are unsure about what can be shared, seek advice from your advising solicitor in the Indigenous Legal Relations Solicitors Unit (NATRIL) within the Legal Services Branch (MAG).

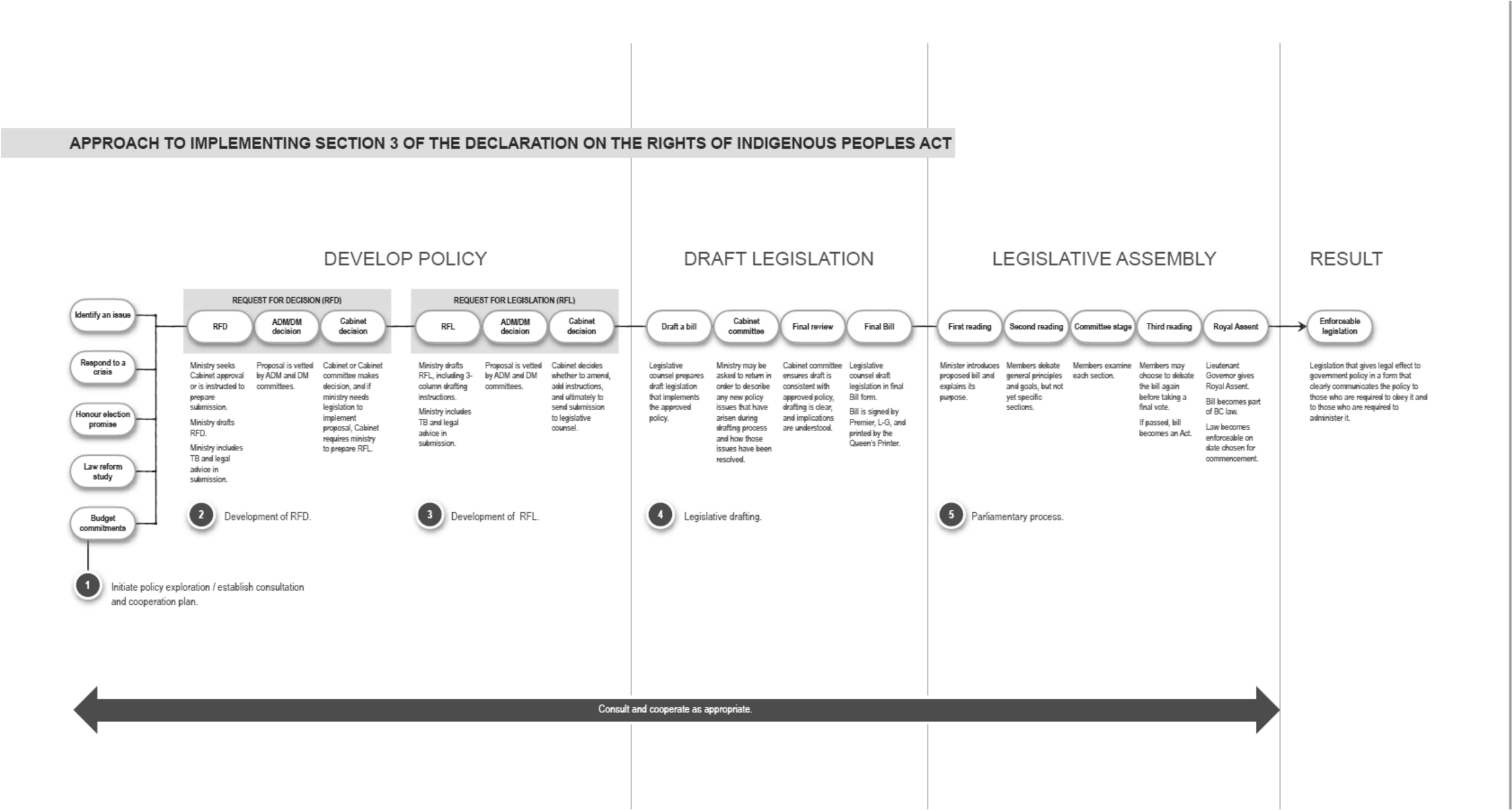
<sup>16</sup> In some instances, such as was the case in the development of the Declaration Act, this may take the form of "joint instructions" for drafting.

It is important to continue to engage with Indigenous peoples and partners as the Bill proceeds through the legislative process and to advise them of any issues that may arise during the debate or committee process, and especially if any amendments to the Bill arise.

## For Further Information

For further information please contact the **Declaration Act Secretariat** at:  
[DeclarationActSecretariat@gov.bc.ca](mailto:DeclarationActSecretariat@gov.bc.ca)

Appendix 1 – Interim Legislative Process



## Appendix 2 – External guidance documents

### United Nations Guidance

- Duty of States to consult with indigenous peoples on decisions affecting them
  - <https://undocs.org/A/HRC/12/34> (starting on page 12)
- The requirement that consultations be in good faith, with the objective of achieving agreement or consent (FPIC)
  - <https://undocs.org/A/HRC/12/34> (starting on page 16)
- Free, prior and informed consent: a human rights-based approach
  - <https://undocs.org/A/HRC/39/62>

### Indian Residential School History and Dialogue Centre

- Implementing UNDRIP in BC: A Discussion Paper Series
  - A Commentary on the Federal Government’s Legislation to Implement the United Nations Declaration on the Rights of Indigenous Peoples
  - Emergencies, Indigenous Governance and Jurisdiction
  - Indigenous Rights in Times of Emergency
  - Operationalizing Free, Prior, and Informed Consent
  - Co-operatively Resolving Conflicts Through the Application of UNDRIP
  - “Indigenous Governing Bodies” and advancing the work of Re-Building Indigenous Nations and Governments
  - Achieving Consistency between the United Nations Declaration on the Rights of Indigenous Peoples to the Laws of British Columbia
  - Taking “All Measures Necessary” to Ensure Laws are Consistent with the United Nations Declaration on the Rights of Indigenous Peoples

## Appendix 3 – Internal guidance documents

- Alliance of BC Modern Treaty Nations Shared Pathways Framework agreement
- BC Declaration Act
  - [General Website: Home 2022 | A New Path Forward](#)
  - [Declaration on the Rights of Indigenous Peoples Act](#)
- BC [Declaration Act Action Plan](#)
- Commitment Document: Concrete Actions: [Transforming Laws, Policies, Processes and Structures](#)
- Commitment Document: [Shared Vision and Guiding Principles](#)
- [Draft 10 Principles](#)
- [MNBC and BC Letter of Intent](#)



## ADVICE TO MINISTER

|   |   |
|---|---|
| <p><b>CONFIDENTIAL</b><br/><b>GCPE-FLNR ISSUE NOTE</b></p> <p>Ministry of Land, Water and Resource Stewardship<br/>Date: Oct. 20, 2022<br/>Minister Responsible: Hon. Josie Osborne</p> | <p><b>Establishing the new<br/>Ministry of Land, Water and<br/>Resource Stewardship</b></p> |
|---|---|

### ADVICE AND RECOMMENDED RESPONSE:

- **We all want our natural resources sector to support reconciliation with Indigenous Peoples, environmental sustainability, and economic benefits.**
- **Our government has been working towards these goals, but there have been big changes since the natural resource ministries were originally set up over a decade ago – especially the implementation of the *Declaration Act*.**
- **To keep making progress, we needed to make some changes to how the ministries work and how they're organized.**
- **The new Ministry of Land, Water and Resource Stewardship will build on our progress, creating a new vision for land and resource management with First Nations that will help us make decisions together about how we use the land to benefit all British Columbians.**
- **Expanding and strengthening partnerships and making shared decisions on the land base will build certainty and create further opportunity for everyone.**
- **These changes will also support our focused efforts to transform the forestry sector, prioritize land use policy and planning, and bring alignment to key strategic water responsibilities.**
- **We have also consolidated the work of multiple ministries on fisheries, creating a single provincial minister responsible for this work and for managing the relationship with the federal Department of Fisheries and Oceans.**

**If asked about the Lands and Natural Resource Operations Secretariat and the process that led to the new ministry:**

## **ADVICE TO MINISTER**

- **The Lands and Natural Resource Operations Secretariat was established in January 2021 to help the government assess land use objectives that support:**
  - **economic activity;**
  - **environmental sustainability; and**
  - **reconciliation with Indigenous peoples.**
- **One of the secretariat's tasks was to determine whether these objectives could be achieved more effectively by restructuring the existing Ministry of Forests, Lands, Natural Resource Operations and Rural Development and other natural resource ministries.**
- **Extensive engagement was completed with First Nations, non-government organizations, local governments, and industry representatives.**
- **These discussions provided valuable insight into what was working well and where there was room for improvement.**
- **From the beginning, it was made clear that any changes to the ministry's organizational structure would need to result in more effective management of the land base and long-term, sustainable benefits for British Columbians.**
- **The changes would also have to bring us closer to meaningful reconciliation with Indigenous Peoples.**

### **KEY FACTS REGARDING THE ISSUE:**

On Feb. 25, 2022, the B.C. government announced that it was creating a new Ministry of Land, Water and Resource Stewardship (LWRS). It would also make adjustments to the structure of some existing ministries and their responsibilities. Ministries experiencing changes include: Forests, Lands, Natural Resource Operations and Rural Development; Indigenous Relations and Reconciliation; Environment and Climate Change Strategy; and Agriculture, Food and Fisheries.

Premier John Horgan appointed Josie Osborne (MLA for Mid Island-Pacific Rim) as the Minister of Land, Water and Resource Stewardship and the Minister Responsible for Fisheries, and he named Fin Donnelly (MLA for Port Moody-Coquitlam) as the new ministry's Parliamentary Secretary for Fisheries and Aquaculture.

The Ministry of Land, Water and Resource Stewardship (LWRS) was officially established on April 1, 2022:

- The Ministry is responsible for co-developing a new vision for land and resource co-

## ADVICE TO MINISTER

management with First Nations that will embrace shared decision-making on the land base and include working together on a provincewide regime to address cumulative effects – the impact of decades of industrial development on traditional territories.

- LWRS is also responsible for the effective development of land and marine use policy and planning, biodiversity and ecosystem health, including species at risk policy and program management.
- The ministry portfolio also includes responsibility for fisheries, specifically consolidating the Province's efforts on fisheries and managing the relationship with the federal Department of Fisheries and Oceans.

### **The work of the secretariat:**

The Lands and Natural Resource Operations Secretariat helped the B.C. government assess whether its land use objectives could be achieved more effectively by modifying the organizational structure of the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD).

Elements of the natural resource sector included in this analysis were:

- all structures, programs, and accountabilities of the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD)
- structures, programs and responsibilities of the following natural resource sector ministries that link up with FLNRORD accountabilities:
  - Ministry of Agriculture, Food and Fisheries
  - Ministry of Energy, Mines and Low Carbon Innovation
  - Ministry of Environment and Climate Change Strategy
  - Ministry of Indigenous Relations and Reconciliation
- organizational effectiveness (covering governance, mandate, strategy, processes, systems, tools, resources, people, teams)
- alignment with other ministerial mandate commitments and related strategic initiatives

A key requirement guiding the secretariat's work was that any organizational changes would need to result in more effective management of the land base and in long-term, sustainable benefits for British Columbians.

The secretariat also looked at other factors to strengthen organizational effectiveness, including: governance and strategy; business process/systems improvements; and ensuring the necessary capacity and capability is in place to achieve these objectives.

|                       |  |              |
|-----------------------|--|--------------|
| Communications        | Thomas Winterhoff, Sr. PAO, GCPE                                 | 778 679-5541 |
| Contact:              | FLNRORD  |              |
| Program Area Contact: | Lori Halls, DM, Ministry of Land, Water and Resource Stewardship | 250 217-5246 |
| File Created:         | Jan. 18, 2022  |              |
| File Updated:         | March 11, 2022   |              |
|                       | Oct. 20, 2022  |              |

## ADVICE TO MINISTER

**CONFIDENTIAL  
ISSUES NOTE**

Ministry of Land, Water and Resource  
Stewardship  
Date: Oct. 20, 2022  
Minister Responsible: Hon. Josie Osborne

## **Permitting, Authorizations & SDMs**

### **ADVICE AND RECOMMENDED RESPONSE:**

- Exploring transformative solutions for permitting issues across the natural resource ministries is one of the key responsibilities of the new Ministry of Land, Water and Resource Stewardship.
- Through a cross sector team we're leading the work to bring solutions to challenging permitting processes to get quicker decisions and ensure B.C.'s natural resource sector and industry remain strong.
- We will also look at options for implementing an effective delivery system for permitting and authorizations services – one that ensures project approvals processes are transparent, timely and fair.
- It's important we take a holistic approach that considers the distinct needs of the sector and focuses less on the transactional nature of permitting and more on strategic objectives and outcomes.
- And we must take the time to do this the right way, with First Nations.

### **If asked what LWRS is doing to solve permitting issues impacting housing development:**

- We recognize that existing provincial systems and policies are not meeting the needs of current applications for permits and authorizations for housing in B.C.
- The current permitting regime is beset by a high volume of applications, an unacceptable level of backlog, and inadequate capacity across ministries.
- Exploring solutions for these permitting issues across the natural resource ministries is one of the key responsibilities of the new Ministry of Land, Water and Resource Stewardship.

- **Through a cross sector team we're leading the work to bring solutions to challenging permitting processes to get quicker decisions and ensure B.C.'s natural resource sector and industry remain strong.**

## **BACKGROUND:**

The Ministry of Land, Water and Resource Stewardship is responsible for modernizing the natural resource sector statutory framework and permitting processes to ensure land-based permitting processes are transparent, timely and fair. The approach will be to create cross-sector solutions for cumulative effects management and permitting/authorizations and statutory decision-making. Cross-sector solutioning teams will focus on a broad initiative to review legislation, provincial policy, tools, supports and standards needed to support statutory decision-making and effective permitting and authorizations.

While LWRS focuses on this important strategic work, the Ministries of Forests (FOR), Environment and Climate Change Strategy (ENV), and Energy Mines and Low Carbon Innovation (EMLI) are responsible for most of the operational delivery aspects of permitting, authorizations and statutory decision making. FOR delivers 70% (approximately 15,000 permits annually) of permits/authorizations in the sector, primarily through Front Counter BC's (FCBC's) "one window" service model. The remaining 30% includes major mines permits/authorizations (EMLI), waste discharge permits/authorizations (ENV), highway access permits/authorizations (Ministry of Transportation and Infrastructure), and permits/authorizations relating to oil and gas and geothermal activity (Oil and Gas Commission).

The Lands and Natural Resource Operations Secretariat ministry restructuring project uncovered several challenges, including a lack of trust from First Nations in the Province's regulatory regime, bottlenecks and delays in decision making, and gaps in statutory decision maker (SDM) capacity and capability. These challenges are frustrating for both First Nations and clients, and are resulting in economic impacts across the province.

Other barriers include:

- Lack of strategic direction and tools to operationalize the Province's commitment to reconciliation
- Lack of a strategic framework for land use and a landscape-based understanding of permitted/authorized activities on the land base
- Legislative barriers
- Lack of SDM expertise, supports and capacity
- Inconsistent service delivery and lack of sufficient information sharing

The FCBC team has moved to LWRS to provide dedicated subject matter expertise on system improvements based on their long history and experience.

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| File created           | May 9, 2022      |              |
| File updated           | Oct 20, 2022     |              |

## ADVICE TO MINISTER

### CONFIDENTIAL ISSUES NOTE

Ministry of Land, Water and Resource  
Stewardship  
Date: October 20, 2022  
Minister Responsible: Hon. Josie Osborne

## Cumulative Effects Framework

### ADVICE AND RECOMMENDED RESPONSE:

- One of the primary focuses of bringing water, land and resource stewardship together in a new ministry is to address cumulative effects.
- A key part of my mandate is to increase the Province's capacity to manage for cumulative effects by bringing together science-based data and Indigenous knowledge to support policy and decisions.
- We'll do this by continuing and building on the work of our Cumulative Effects Framework, with a focus on collaborative decision-making with Indigenous peoples.
- Cumulative Effects assessments are ongoing throughout B.C., and these reports and case studies are informing decision making across the natural resource sector.
- The management of our lands, waters and natural resources is one of government's greatest responsibilities, and it is vital for advancing reconciliation with Indigenous Peoples, environmental sustainability and economic prosperity.

### *If asked about the Yahey Decision:*

- It is going to take comprehensive and integrated solutions to address cumulative effects – there are no quick fixes.
- The work we are doing involves addressing over 100 years of impacted treaty rights.
- But the solutions will provide stability and predictability and help build a positive future for everyone.
- Negotiations between Blueberry River First Nations and the Province continue, and we hope to have more to say in the near future.

**BACKGROUND:**

The Cumulative Effects Framework (CEF) is a set of policies, procedures and decision-support tools that help identify and manage cumulative effects consistently and transparently across BC's natural resource sector. Cumulative effects are changes to environmental, social and economic values caused by the combined effect of past, present and potential future human activities and natural processes. The CEF incorporates the combined effects of all activities and natural processes into decision-making to help avoid unintended consequences to identified economic, social and environmental values.

The CEF is supported by the Cumulative Effects Framework Interim Policy (2016). It does not create new legislative requirements, but it informs and guides the consideration of cumulative effects through existing natural resource legislation, policy, programs and initiatives.

The CEF is delivered through the Resource Stewardship Branch within the Ministry of Lands, Water and Resource Stewardship in collaboration with partner natural resource sector agencies.

**Blueberry River First Nation:**

On June 29, 2021 the BC Supreme Court released a decision largely in favour of Blueberry River First Nation (BRFN), declaring that by "causing and/or permitting the cumulative impacts of industrial development on Blueberry's treaty rights, the Province has breached its obligation to BRFN under Treaty 8, including its honourable and fiduciary obligations."

The Court found that current processes for taking cumulative effects into account in decision making for provincial permit approvals are insufficient and required the Province and BRFN to negotiate timely enforceable mechanisms to assess and manage the cumulative impact of industrial development on BRFN's treaty rights and to ensure these constitutional rights are respected.

Since the court ruling, the Province has been working with Blueberry River on a way forward. In early October 2021, the Province and Blueberry River reached an initial agreement, which created the space for the next stages of negotiations.

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## ADVICE TO MINISTER

**CONFIDENTIAL  
ISSUES NOTE**

Ministry of Land, Water and Resource  
Stewardship  
Date: Sept. 26, 2022  
Minister Responsible: Hon. Josie Osborne

# Old Growth Strategic Review Implementation

### ADVICE AND RECOMMENDED RESPONSE:

- We're making changes to how we manage forests, to ensure that we put ecosystem health, local communities and reconciliation first.
- These priorities are the foundation of our new vision for the stewardship of forestry in B.C. This vision:
  - Is grounded in the principles of reconciliation and ecosystem health,
  - It focuses on leadership and collaboration with First Nations to ensure that healthy forests support healthy environments, and
  - It provides people and communities throughout British Columbia with both cultural and economic benefits.
- Guided by this vision, our ministry is supporting Minister Conroy and the Forests ministry to implement the recommendations of the Old Growth Strategic Review.

### **LWRS Responsibilities on Old Growth Strategic Review Implementation:**

- My colleague in the Forests ministry remains the lead on overall implementation of the Old Growth Strategic Review.
- My Ministry will lead on strategies for enhancing the health of forests and other ecosystems, and by extension, the communities, and people they serve, over the long term.
- For example, addressing Recommendation 2, to make conservation of ecosystem health and biodiversity a priority.
- And Recommendation 4, in partnership with First Nations, giving local communities and stakeholders a bigger role in forest management decisions that affect them.
- It's important to remember, the Review is about more than deferrals of old growth.



- **It's about working, together with First Nations, to realize our new vision for the stewardship of forests, including prioritizing ecosystem health and biodiversity as part of a co-management framework.**

## **KEY FACTS:**

The Ministry of Forests remains lead on the Old Growth Strategic Review (OGSR) and in the operational side of implementation of review recommendations. However, the Ministry of Land, Water and Resource Stewardship is lead on several recommendations and in the development of policy. The Ministry will be engaging with stakeholders and communities in fall 2022.

## **BACKGROUND:**

When the Ministry of Land, Water and Resource Stewardship launched on April 1, 2022, it took on a role supporting the Ministry of Forests in the overall implementation of the OGSR and its 14 recommendations.

LWRS and Ministry of Forests will jointly lead on Recommendation 1: Engage the full involvement of Indigenous leaders and organizations to review this report and any subsequent policy or strategy development and implementation.

LWRS leads on six recommendations: (with support from Forests)

- Recommendation 2: Declare conservation of ecosystem health and biodiversity of British Columbia's forests as an overarching priority and enact legislation that legally establishes this priority for all sectors.
- Recommendation 3: Adopt a three-zone forest management framework to guide forest planning and decision-making.
- Recommendation 4: Adopt a more inclusive and stable governance model that gives local communities and stakeholders a greater role in forest management decisions that affect them.
- Recommendation 9: Establish a standardized system and guidance that integrates provincial goals and priorities to local objectives and targets.
- Recommendation 10: Update the targets for retention and management of old and ancient forest.
- Recommendation 13: Once developed, implement the new policies and strategies for the management of old forests through mandatory provincial and local transition plans that define, schedule and monitor the process.

Ministry of Forests leads on six recommendations (with support from LWRS):

- Recommendation 5: Provide the public with timely and objective information about forest conditions and trends.
- Recommendation 6: Until a new strategy is implemented, defer development in old forests where ecosystems are at very high and near-term risk of irreversible biodiversity loss.
- Recommendation 7: Bring management of old forests into compliance with existing provincial targets and guidelines for maintaining biological diversity.
- Recommendation 8: Establish and fund a more robust monitoring and evaluation system for updating management of old forests.

## ADVICE TO MINISTER

- Recommendation 11: Improve the mapping and classification of old forests to recognize multiple values.
- Recommendation 12: Create a silviculture innovation program aimed at developing harvesting alternatives to clearcutting that maintain old forest values.

The Ministry of Jobs, Economic Recovery and Innovation will lead on Recommendation 14, to support forest sector workers and communities as they adapt to changes resulting from a new forest management system. Forests and LWRS will support.

The Province has committed to implementing all 14 recommendations of the OGSR, and by 2023 to developing a new strategy to manage old growth. The recommendations followed extensive public and stakeholder consultation by respected foresters Al Gorley and Garry Merkel. They provided their report to the Forests ministry in Spring, 2020.

B.C. has developed a vision statement for its approach to old growth stewardship: “Our vision for the stewardship of Old Growth Forests is grounded in the principles of reconciliation and ecosystem health. Through leadership and collaboration, we ensure that healthy forests support healthy environments which provide cultural and economic benefits to people and communities throughout British Columbia.”

The path forward to implement all recommendations will be collaboratively developed with Indigenous Peoples, and with input from stakeholders and communities. Engagement on the path forward will be launched in fall 2022.

**Media Interest:** Interest in old growth remains high, with local communities and environmental groups critiquing harvesting approvals and government’s commitment to an old growth strategy.

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## ADVICE TO MINISTER

### CONFIDENTIAL ISSUES NOTE

Ministry of Land, Water and Resource  
Stewardship  
Date: Oct. 20, 2022  
Minister Responsible: Hon. Josie Osborne

## Indigenous Protected and Conserved Areas (IPCAs)

### ADVICE AND RECOMMENDED RESPONSE:

- We respect and acknowledge the efforts of First Nations to protect ecosystems within their territories and care for the water, land, animals and other natural resources that their communities have relied on for millennia.
- My ministry is committed to working with First Nations on a co-managed approach to land and resource management.
- Where possible, our preferred approach is for interests in IPCAs to be managed through a variety of provincial tools, including the land use planning process.
- This ensures economic, environmental, social, and cultural objectives are met and that robust consultations with Indigenous peoples, stakeholders and the public are included.
- Our government welcomes the opportunity to work with First Nations to better understand the perspectives reflected in IPCAs and to jointly advance First Nation and provincial interests.

### *If asked about government's involvement in the Ashnola Watershed IPCA:*

- Our government understands the Lower Similkameen Indian Band has concerns about the health of the watershed.
- We have been in discussions with the Band about their interests in water stewardship and other values within their territory.
- Those discussions continue, and when we have more to share publicly, we will.

**KEY FACTS:**

On April 28, 2022, the Lower Similkameen Indian Band (LSIB) declared an Indigenous Protected and Conserved Area (IPCA) in the Ashnola Watershed west of Keremeos, encompassing the entire Ashnola River watershed from its headwaters in the United States to where it joins the Lower Similkameen River. This is one of a number of IPCAs declared by First Nations in the past year.

In late September, 2022, LSIB sent out a 'Notice to Vacate Ashnola', stating that access to the area would be restricted to visitors. The notice also stated that the Band has been unsuccessful in meetings to date with the Province to secure their commitment to work together to implement the IPCA and to address the issues within the watershed.

In October, 2022, \$200,000 in provincial funding was secured for LSIB through the Indigenous Funding Program. The purpose of the funding is to help relieve some of the pressure LSIB has been experiencing and bring them to the table for discussion about their interests in protecting and conserving the Ashnola Watershed. A first exploratory discussion has been set up for Oct. 27<sup>th</sup>

**BACKGROUND:**

LSIB has been seeking protection for cultural and environmental values in the Ashnola Watershed for over a decade. The Band's primary concerns are water quality, declining fish and wildlife populations, impacts from non-Indigenous visitors, and industrial development. The declaration was intended to be a first step in initiating action by the provincial and federal governments, with Chief Crow saying he would be seeking a tripartite planning table to further discussion.

IPCAs typically encompass lands and waters where Indigenous governments have a primary role in protecting and conserving ecosystems through Indigenous laws, governance and knowledge systems. They reflect Indigenous peoples' multi-generational perspective on resource stewardship.

However, declarations of Indigenous governments' expectations in their traditional territories have led to uncertainty amongst B.C. citizens and government staff about their ability to access infrastructure and facilities (e.g., roads, parks, campsites) and undertake certain activities on public land, especially those for which a fee is paid (e.g., fishing and hunting licences).

**Increasing interest in IPCAs**

Interest in Indigenous-led conservation and stewardship measures like IPCAs has increased significantly since the 2018 *We Rise Together* report was issued by the Indigenous Circle of Experts (ICE). The Province participated in the report's development as a member of ICE, along with a wide cross-section of representatives from Indigenous governments, environmental non-profit organizations, academics, and the federal government.

Over 44 IPCA proposals in various forms are currently existing or being contemplated by First Nations in B.C. It's expected that more First Nations are planning or preparing to declare IPCAs within their territories. An increasing number of IPCAs is one of the challenges the Province faces in developing its response to these declarations.

Although IPCAs differ in size and scope, they often include interests in Guardian-like activities and often include Indigenous-led goals related to:

- maintaining the ecological integrity of the area

## ADVICE TO MINISTER

- protecting fish, wildlife and ecosystems
- protecting cultural and archaeological sites and features, or
- protecting harvesting and hunting areas

In some cases, IPCAs have been identified in areas of territorial overlap between Nations. There may not be agreement amongst those Nations regarding the IPCA. IPCAs will not resolve overlap issues and further engagement between Nations and the Province may be required to resolve differing land use perspectives, including through land use planning processes.

First Nations typically develop and declare IPCAs independently and define their scope and objectives. They can outline Indigenous values in discussions or partnerships with other orders of government and stakeholders or may consider other conservation and protection tools that are already in place. IPCAs can complement existing measures, align with their boundaries, and/or overlap areas already addressed by existing measures (e.g., the Marine Plan Partnership).

### Examples of other recently declared IPCAs:

- In June 2022, the Kitasoo Xai Xais Nation declared a Marine Protected Area in the Kitasoo Bay (Gitdisdzu Lugyek) area of the Central Coast (on the west coast of Swindle Island), stating that the bay “and all of its lands, waters, fish, and wildlife are integral to Kitasoo Xai’xais culture and way of life.” The Kitasoo Xai Xais Nation is looking to strengthen protection measures for fish resources in the area, particularly herring, salmon and groundfish.
- In November 2021, the Mamalilikulla First Nation declared part of its traditional territory on the Central Coast as an IPCA, calling for a five-year moratorium on logging and protection of a marine area called Hoeya Sill.

**Media Interest:** Recently declared IPCAs have received a moderate amount of regional media coverage. As the number of declared IPCAs increase, more media interest is expected.

|                        |  |                              |
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## ADVICE TO MINISTER

### CONFIDENTIAL ISSUES NOTE

Ministry of Land, Water and Resource  
Stewardship  
Date: Oct. 21, 2022  
Minister Responsible: Hon. Josie Osborne

## Species at risk and related legislation in B.C.

### ADVICE AND RECOMMENDED RESPONSE:

- Protecting and promoting the recovery of threatened species in B.C. continues to be a priority for our government.
- It's important to conserve at-risk species and ecosystems so our environment can support healthy communities and sustainable livelihoods.
- My ministry is building on our government's progress to date on water, land, and resource stewardship, focusing on three goals that matter to us all — reconciliation with Indigenous Peoples, economic opportunities, and environmental sustainability.
- That means working with partners to protect threatened species, enhance B.C.'s biodiversity, and establish consistent and effective management actions for species at risk.
- Protection for at-risk species in B.C. is currently provided through a suite of legislation that includes:
  - *Wildlife Act*
  - *Forest and Range Practices Act*
  - *Oil and Gas Activities Act*
  - *Mineral Tenure Act*
  - *Ecological Reserves Act*
  - *Park Act*
  - *Land Act*

### *If asked about standalone species-at-risk legislation:*

- Our commitment to reconciliation means consulting with First Nations rights and title holders on policy and legislative changes.

- We're going to work with them and our other partners to ensure that any changes we make are meaningful and effective in protecting at-risk species.
- We're continuing to work with the federal government to develop a Nature Agreement that that will support our mutual commitment to strengthening conservation and stewardship provincewide.
- Through the Nature Agreement, we will also work with Indigenous peoples on new approaches to protect ecosystems and species at risk, enhance biodiversity, restore habitat, and strengthen ecosystem resilience to climate change.
- And we are also advancing implementation of the Together for Wildlife Strategy, which includes commitments to improving the *Wildlife Act*.
- These processes and initiatives are all aligned to halt the decline of biodiversity loss and the recovery of at-risk species.

**If asked about the Ecojustice lawsuit:**

- The Ecojustice lawsuit is directed at Environment and Climate Change Canada and is before the courts, so I can't comment on it.
- But I can say that the B.C. government continues to work to protect species at risk and address threats to their habitats.
- This includes our work with the federal government towards a Nature Agreement and new regulatory measures establishing minimum habitat thresholds for specific areas, which are being incorporated into Forest Stewardship Plans
- As well, recovery and implementation plans are in place for marbled murrelet, and we implemented additional habitat protections for this species in December 2021.

**If asked about Specklebelly Lichen:**

- Caring for and managing the biodiversity of forests and protecting all threatened species is of vital importance to all British Columbians.
- While the old growth specklebelly lichen is not currently threatened we take any threats to this unique species very seriously.

## **ADVICE TO MINISTER**

- **We are focused on determining the location of this species in old growth forests to determine next steps in managing and maintaining populations of specklebelly lichen.**



## **KEY FACTS:**

An opinion piece published in the *Times Colonist* on April 28, 2022, called for the B.C. government to introduce standalone species-at-risk legislation, claiming that Premier Horgan has not followed through on an election promise to do so. The writer said that Ecojustice “gave B.C. an ‘F’ for its attempts at protecting endangered species.”

## **BACKGROUND:**

B.C. is among the provinces and territories with the highest percentages of protected areas. But protecting species at risk is highly complex. The challenges associated with meeting federal and provincial expectations for the protection of species at risk can create uncertainty for Indigenous Nations, industry, and stakeholders.

Declines in biodiversity are primarily due to five main factors: climate change; habitat loss or alteration; invasive species; overexploitation; and pollution. Addressing these declines is a complex process, with a multitude of inter-connected threats and interactions that involve complicated environmental, social, and economic trade-offs. The provincial species at risk recovery framework involves multiple ministries that sometimes have overlapping mandates and competing objectives.

The Province will continue to support and implement recovery actions for species at risk. Our approach begins with setting population recovery goals, and also considers environmental, cultural, social, and economic values.

The Province led multiple engagement efforts from 2017 to 2019, which included members of the public, stakeholders and Indigenous nations. The Province has also led discussions with the federal government, local governments, professional associations, environmental non-governmental organizations, academic experts and industry groups to help improve its approach to species-at-risk management.

Several goals related to biodiversity have been included in ministerial mandate letters, demonstrating the government’s commitment and willingness to act. The Province recognizes the need to work collaboratively to advance biodiversity activities and has been working to clarify long-term coordination needs and roles related to these commitments. This has been a focus of ongoing discussions and work that included the creation of the Ministry of Lands, Water and Resource Stewardship in February 2022.

## **Canada-B.C. Nature Agreement**

In February 2021, the B.C. and federal governments committed to developing a new bilateral Nature Agreement that will support their mutual commitment to strengthening conservation and stewardship efforts provincewide.

The development of the Canada-B.C. Nature Agreement will play an important role in strengthening conservation by using new approaches to protect species at risk, explore ways to protect and restore habitat, strengthen ecosystem resilience to climate change and our ability to sequester carbon, and continue to work with Indigenous Nations on these issues.

## **Ecojustice lawsuit**

## ADVICE TO MINISTER

In late April 2022, Ecojustice (on behalf of Sierra Club BC and the Wilderness Committee) filed a lawsuit in federal court against the federal government, alleging that “Federal Minister of Environment and Climate Change Steven Guilbeault is failing to meet his statutory duties to ensure the protection of habitat necessary for the survival and recovery of at-risk migratory birds.”

The federal Ministry of Environment and Climate Change is responding to media inquiries about this lawsuit, but it's possible that the case may spark media interest in B.C.'s species at risk legislation and policies.

### Media Interest

Apart from the April 28<sup>th</sup> opinion piece in the *Times Colonist*, other media outlets have previously suggested there's a need to develop comprehensive and focused species at risk legislation, including *The Narwhal* and the *Globe and Mail*.

|                        |  |              |
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## ADVICE TO MINISTER

**CONFIDENTIAL  
ISSUES NOTE**

Ministry of Land, Water and Resource  
Stewardship  
Date: Oct. 20, 2022  
Minister Responsible: Hon. Josie Osborne

# **Spotted owl recovery and 2022 release of three captive-bred owls**

### **ADVICE AND RECOMMENDED RESPONSE:**

- **Protecting and promoting the recovery of threatened species in B.C. is a priority for this ministry.**
- **We're doing everything we can to help spotted owls recover, including running the world's only captive breeding and release program for this endangered species.**
- **We've also:**
  - **protected more than 280-thousand hectares of spotted owl habitat under the Spotted Owl Management Plan, enough to support a future population of 125 breeding pairs;**
  - **temporarily deferred logging within the Spuzzum Creek and Uztlius [oot-zli-us] Creek drainages to provide additional habitat protection; and**
  - **continued to work with First Nations partners and the federal government on spotted owl recovery.**
- **The conservation of spotted owls in B.C. took a monumental step forward in August 2022, as three spotted owls born and raised in the breeding facility were released into protected habitat in the Fraser Canyon.**
- **This was the first such release of these rare and endangered birds into the wild anywhere in the world.**
- **We plan to expand the breeding program with a long-term goal of releasing as many as 20 spotted owls each year.**

### **If asked about the chances of the released owls surviving:**

- **A dedicated team including First Nations is doing everything it can to help spotted owls recover, but it is a long-term process with no guarantee of success.**

- Since the captive breeding program began in 2007, staff have been working toward raising owls to be ready to return to the wild.
- We are confident this first release will help us learn more about raising and releasing captive-bred owls.
- It is an important and historic step to help this species recover in British Columbia.

**If asked about the lethal removal of invasive barred owls:**

- As a larger species, the invasive barred owl poses a significant threat to spotted owl survival by:
  - competing for prey and habitat; and
  - suppressing spotted owl breeding through their aggressive behaviour.
- To help support spotted owl recovery in B.C., 194 barred owls were relocated or removed from 2007 to 2021 under the provincial Barred Owl Control Program.
- This program is ongoing and includes extensive monitoring.
- The United States took similar steps to remove barred owls, and those measures have been effective in stopping spotted owl declines.

**If asked about a potential subdivision of the property where the captive breeding facility is located:**

- Our government has a month-to-month lease arrangement with the property owner for the portion of the land being used by the captive breeding facility.
- Both government and the landowner want to ensure that the spotted owl captive breeding facility remains where it is.
- If the owner's application to subdivide the property is approved, we will work with the owner to develop options and determine how best to continue the recovery program.
- At the same time, the Province is exploring options for a second site or expansion of the facility.

**If asked about the expansion of the Trans Mountain pipeline near the spotted owl breeding facility:**

## ADVICE TO MINISTER

- The success of the breeding program is crucial to our spotted owl recovery plan, and we will continue to work for what's best for the owls.
- Construction related to the pipeline expansion could occur within 40 metres of the nearest spotted owl aviary at the captive breeding facility.
- Trans Mountain understands the importance of the breeding centre and they are committed to ensuring no development activities occur until the Province is confident in the mitigation approach.

**If asked about Ecojustice/Wilderness Committee pressing for greater spotted owl protection:**

- The Province understands the importance of protecting critical spotted owl habitat from activities that could disrupt the birds' recovery.
- Working with First Nations partners and biologists on the ground, we have protected more than 280,000 hectares of spotted owl habitat, enough to support a self-sustaining population of 125 breeding pairs in the future.
- In 2021, the B.C. and federal governments deferred logging in two Fraser Canyon watersheds to help protect spotted owl habitat.
- We continue to work closely with the federal government on the development of an updated Spotted Owl Recovery Strategy, which will identify areas of critical spotted owl habitat.

### **KEY FACTS:**

In late summer, 2022, three male spotted owls raised in a provincial breeding facility were released into protected forests in the Anderson Wildlife Habitat Area (WHA) and the Spuzzum WHA in the Fraser Valley. This location is where the only previously known wild spotted owl (a female) is located.

This was the first-ever release of spotted owls into the wild anywhere in the world.

### **BACKGROUND:**

It's too early to tell how well the owls will fare and breed in the wild, but this is a significant step forward in the Province's efforts to help spotted owls achieve a self-sustaining population in B.C. Ministry staff have been working on this project in partnership with the Spuzzum First Nation.

A monitoring plan has been implemented to help ministry staff better understand the behaviour and responses of the three released owls. Their movements are being tracked using GPS tags

and their health is being monitored. The released owls may be supplementally fed by ministry staff or possibly recaptured if they are not doing well or are facing a threat in the environment that cannot be easily mitigated.

Although spotted owls in captivity can hunt for their food, it is unknown whether captive-born spotted owls will be able to:

- hunt in a natural, wild environment
- survive after they are released
- remain in the protected areas
- become established in the protected areas, or
- successfully breed (in subsequent seasons) once female owls are introduced into the wild population.

The spotted owl (*caurina* subspecies) is listed as an endangered animal under the federal *Species at Risk Act* (SARA). It is also red-listed (a species most at risk of becoming extirpated or extinct) by the B.C. Conservation Data Centre and listed under both the provincial *Forest and Range Practices Act* and *Oil and Gas Activities Act* as a species at risk.

According to our 2022 surveys, only one spotted owl had been detected in the wild in British Columbia, which is the northern edge of the birds' range. (Their populations are also in decline in Washington and Oregon.) The spotted owl population in B.C. had declined from an estimated 100 breeding pairs in 1991. Over the past century, spotted owl population declines have been primarily due to extensive habitat loss and fragmentation associated with human settlement, industrial activities (e.g., forestry) and natural disturbances (e.g., wildfires), as well as competition for habitat by barred owls.

Spotted owl recovery is being implemented through existing and future recovery actions that include:

- habitat protection
- captive breeding
- barred owl control
- release of captive-bred spotted owls

In April 2007, the B.C. government initiated the Captive Breeding and Release Program and the Interagency Northern Spotted Owl Steering Committee to oversee all recovery actions for this species, including field research, population monitoring, and the captive breeding program. In May 2009 (the last year that it was active), the committee approved a revised Spotted Owl Management Plan that includes the legal protection of 281,284 hectares of spotted owl habitat in B.C. The Spotted Owl Management Plan is designed to support a recovery target of 125 pairs (250 mature owls), which is considered to be a self-sustaining population.

In 2021, the B.C. and federal governments agreed that logging would be deferred in two Fraser Canyon watersheds to help protect spotted owl habitat. This move supports the proposed B.C.-Canada Nature Agreement to improve species-at-risk protections and enhancing biodiversity in this province. The Nature Agreement is still being negotiated but is expected to be signed in late 2022.

The Province is also working closely with the federal government to support the revision and approval of an updated Spotted Owl Recovery Strategy.

## **ADVICE TO MINISTER**

There are currently 30 spotted owls remaining at the Captive Breeding and Release Program facility in Langley, including three birds that were brought in from the United States. Mating of owls at the Langley facility is carefully managed to create a more genetically diverse population.

Spotted owls that are not released into the wild will remain at the Langley breeding facility in the hope that they can breed and produce viable offspring for future releases. They may also be loaned out to other breeding facilities to help promote B.C.'s recovery program.

### **Barred owls:**

As a larger species, the barred owl poses a significant threat to spotted owl survival by:

- competing for prey and habitat
- suppressing spotted owl breeding (through aggressive behaviour)

To help support spotted owl recovery in B.C., 194 barred owls have been removed under the provincial Barred Owl Control Program from 2007 to 2021, with 127 live animals relocated and 67 lethally removed. Barred owls continue to be actively monitored and removed from the Anderson Release Area and will be removed from other potential release areas in future.

The removal of barred owls in B.C. could be controversial, with some people possibly questioning the decision to kill one species to protect another. However, ministry staff advise that barred owl removal efforts have been well-publicized since 2007 (for example, through regular articles by journalists Larry Pynn and Sarah Cox) and no significant opposition to this approach has been received. The United States has undertaken similar measures to remove barred owls, and they have been effective in stopping spotted owl declines in that country.

### **Proposed subdivision and purchase of property where captive breeding facility is located:**

The spotted owl Captive Breeding and Release Program facility is on private property under the jurisdiction of the Township of Langley and is part of the Agricultural Land Reserve. The B.C. government currently has a month-to-month lease arrangement with the property owner for that portion of the property used by the captive breeding facility. Both the government and the landowner want to ensure that the spotted owl captive breeding facility remains where it is.

The landowner listed the entire property for sale in 2019 but did not sell it. The landowner now wishes to subdivide the land to support and keep the breeding facility on site. If the subdivision is approved, the B.C. government will work with the owner to develop options and determine how best to support the long-term recovery of spotted owls in British Columbia. At the same time, the Province is exploring options for a second site or expansion of the facility.

### **Expansion of the Trans Mountain pipeline near the spotted owl breeding facility:**

The twinning of the Trans Mountain Pipeline from central Alberta to Burnaby was approved by the federal government in 2019. This summer, construction on the expansion project was to come within 40 metres of the nearest spotted owl cage at the Captive Breeding and Release Program facility.

Ministry staff are very concerned about the potential impact of construction activity and related noise on the spotted owls, including their future breeding output. Since successful breeding is the cornerstone of the program, delays to the breeding cycle caused by over three months of pipeline construction could have a significant impact on the program.

On June 30, 2022, ministry staff sent a letter to Trans Mountain outlining these concerns in detail and suggested changes to the company's risk mitigation plan to limit impacts on the spotted owls.

Trans Mountain understands the importance of the breeding centre and they are committed to ensuring no development activities occur until the Province is confident in the mitigation approach. The Province continues to work with the company to find a solution.

**Ecojustice/Wilderness Committee pressing for greater spotted owl protection:**

Ecojustice (representing the Wilderness Committee) has been pressuring the Province to increase protection for spotted owl habitat in B.C.

The federal government and the Province have not yet agreed on what's considered "critical" spotted owl habitat (vs. "suitable" spotted owl habitat) and how to map those areas, but we continue to work closely with the federal government on the development of an updated Spotted Owl Recovery Strategy, which will identify areas of critical spotted owl habitat.

**Media Interest:** The fate of spotted owls has received considerable media coverage for years, often within the context of logging and old-growth protection.

|                        |  |                              |
|------------------------|--|------------------------------|
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| File created           | June 10, 2022  |                              |
| File updated           | Oct. 20, 2022  |                              |



## ADVICE TO MINISTER

**CONFIDENTIAL  
ISSUES NOTE**

Ministry of Land, Water and Resource  
Stewardship  
Date: Oct. 3, 2022  
Minister Responsible: Hon. Josie Osborne

### **Predator reduction program (wolves and cougars) to support caribou recovery**

#### **ADVICE AND RECOMMENDED RESPONSE:**

- The recovery of woodland caribou populations is a top priority for our government.
- After years of research, we know that predator management is an effective, temporary measure to avoid the further decline of caribou herds in B.C.
- No one wants to see caribou disappear.
- The decision to reduce predator populations is not taken lightly, and our approach is based on science and sound wildlife management principles.
- This is just one tool used to support the recovery of caribou herds.
- Habitat protection, habitat restoration, and maternal penning are also key parts of our caribou recovery strategy – but research has shown that these measures alone are not enough

#### **If needed:**

- The Province is committed to caribou recovery. That's why we created the Provincial Caribou Recovery Program in 2017. We continue to support this work with an investment of over \$10 million each year.
- We are implementing collaborative research and regular monitoring to evaluate the effectiveness of all caribou recovery activities.

#### **If asked about effectiveness of current predator reduction measures:**

- Years of research on wolf reduction measures show that this approach has immediate, positive, short-term impacts on caribou populations.

- Predator reduction measures on 13 herds helped to stabilize or increase populations in all these herds, whether implemented alone or with other management strategies.
- For example, the Kennedy Siding herd has more than doubled since 2015 — from 49 animals to 115, with predator reduction and supplemental feeding.
- Other examples include:
  - Klinse-za (Scott/Moberly) herd: from 38 animals in 2013 to 114 now, with wolf reduction measures and maternal penning.
  - Columbia North herd: from 124 animals in 2014 to over 200 now, with predator reduction and maternal penning.
  - Itcha-Ilgachuz herd: from 385 animals to 508 in 2020, after one year of predator reduction.

**If asked about using radio collars to track wolves to their pack (the Judas method, although this is not a term that government uses):**

- In some circumstances, an individual wolf is captured and fitted with a GPS radio collar.
- This method provides data to government biologists about wolf movements and pack territories, and helps facilitate the removal of packs during winter wolf reduction efforts.
- The removal of packs within treatment areas is based on extensive research and science, and is critical to supporting caribou survival.

**If asked about the humaneness of the wolf reduction process:**

- We consider animal welfare and the humaneness of our policies in our wolf reduction program, and we follow the American Veterinary Medical Association's *Guidelines for the Euthanasia of Animals*.
- According to those guidelines, guns are an acceptable and effective method for humanely killing carnivores. Aerial-based shooting also avoids the risk of animals other than wolves being killed.
- Work must be approved by the Provincial Wildlife Veterinarian before a predator reduction permit can be issued under the *Wildlife Act*, and there is a high level of government oversight during aerial wolf reduction activities.

## **ADVICE TO MINISTER**

- **Staff and contractors are assessed by a ministry regional manager to ensure they are sufficiently skilled to do aerial predator reduction, and government staff are on board most of the flights.**

### **KEY FACTS:**

Predator reduction is an effective tool in caribou recovery, but the decision to remove animals of one species to benefit a species at risk has been controversial. Some people find the idea of deliberately removing wolves unsettling, even though this approach is supported by science.

### **BACKGROUND:**

Caribou recovery is a complex challenge, requiring multiple tools applied across the landscape. All potential recovery management actions are considered, tested and (where needed) implemented to help stabilize and reverse the decline of caribou herds in B.C.

These actions may include: reduction of wolf and cougar populations; management of primary prey (i.e., species that support high predator densities and attract predators to caribou habitat); maternity penning; habitat protection, restoration and management; recreation management; supplemental feeding; and population augmentation.

Wolves are the primary predators of caribou in most herds, and high wolf populations are directly linked to the decline of caribou populations in B.C. (Cougars are a primary predator of caribou in some herds in the Southern Mountain ranges.)

Predator reduction occurs in 13 of B.C.'s 54 woodland caribou herds. The results of five years of research on wolf reduction in the Central Group of Southern Mountain Caribou show that predator reduction has immediate, positive impacts on caribou populations. For example, the Klinse-za (Scott/Moberly) herd has grown from 42 animals to 101 since wolf reduction measures began in 2015, in conjunction with maternity penning.

The Province has long acknowledged that habitat management, protection and restoration is crucial for caribou recovery. Natural disturbances and human activities (such as forest harvesting, mining, and oil and gas extraction, plus associated roads, seismic lines, pipelines and urbanization) have degraded caribou habitat in B.C.

Predator reduction is used as an interim measure for herds where the maximum wolf density target has been exceeded. Without undertaking predator reduction in the short term, habitat protection alone will not allow caribou populations to increase, since currently disturbed habitat needs time to recover. Research shows that wolf populations can rebound quickly. Therefore, high rates of wolf reduction (with a minimum of 80% of the animals removed) must be achieved to reverse the decline of caribou herds. When wolf reduction has occurred without high rates of removal, there was no response in caribou populations.

### **Public engagement process regarding predator reduction:**

In late 2021, the Caribou Recovery Program received approval for a five-year predator reduction program, starting the winter of 2021-2022. Public engagement and First Nations consultations

related to this program were conducted from Sept. 15 to Nov. 15, 2021. The public engagement process included:

- introductory letters sent to First Nations
- introductory letters sent to affected tenure holders
- an EngageBC website where members of the public could read about the project, comment on it, and participate in an online survey

A total of 15,196 online surveys were completed from Sept. 15 to Nov. 15, 2021. The overwhelming majority of respondents (98%) feel that caribou recovery is important.

- 42% of the respondents from B.C. were in support of predator reduction.
- People in areas where caribou occur indicated greater support for the application of this management tool (53% to 82%), compared to other areas of the province (22% to 47%)

### **Wolf reduction statistics:**

A breakdown of the number of wolves removed since the predator reduction program began in B.C. is provided below:

2015: 68  
2016: 210  
2017: 119  
2018: 152  
2019: 180  
2020: 482  
2021: 237  
2022: 280

More information about B.C.'s caribou recovery program can be found online:

<https://www2.gov.bc.ca/gov/content/environment/plants-animals-ecosystems/wildlife/wildlife-conservation/caribou/management-activities>

**Media Interest:** On April 28, Global TV and CKNW ran stories about the wolf reduction program, including critical comments from Adam Olsen of the Green Party.

|                        |   |              |
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| File created           | April 29, 2022                            |              |
| File updated           | Oct. 3, 2022                              |              |

## ADVICE TO MINISTER

### CONFIDENTIAL ISSUES NOTE

Ministry of Land, Water and Resource  
Stewardship  
Date: October 20, 2022  
Minister Responsible: Hon. Josie Osborne

## Wild Salmon Recovery and Drought

### ADVICE AND RECOMMENDED RESPONSE:

- Wild salmon are an iconic species in British Columbia's waters – they are in our provincial DNA.
- Wild salmon are at the foundation of Indigenous culture and way of life and are integral part of B.C.'s food security, ecosystems and economy.
- Keeping wild salmon populations healthy and plentiful is of critical importance to all British Columbians — and an imperative for this government.
- We're putting our wild salmon strategy into action by restoring habitats and wetlands and developing innovative management initiatives to give wild salmon the best chance for recovery.
- And together with First Nations, we're integrating the wild salmon strategy with a Watershed Security Strategy and B.C.'s first Coastal Marine Strategy to better steward the ecosystems that Pacific wild salmon rely on.
- In August, we doubled our contribution to a total of \$285.7 million over seven years — in the joint BC Salmon Restoration and Innovation Fund with the federal government — to continue to protect and recover wild salmon populations.
- The Province invested another \$30 million this year to last year's contribution of \$27 million in projects that work to restore healthy watersheds and river systems in response to climate change and other impacts on the ecosystem, which include wild salmon habitats.

### **If asked about how we're responding to the impacts of drought on salmon:**

- Our government is extremely concerned about the impact of persistent dry, warm weather on wild salmon their ecosystems.

- **B.C.'s Drought Response Plan provides direction on conservation and protection measures for fish, focusing first on voluntary actions and then regulatory actions, as needed.**
- **Through the Climate Preparedness and Adaptation Strategy, we're helping to improve planning for scarce water resources and increasing our understanding of glacial melt by expanding monitoring networks for stream flow, groundwater, and snow.**

### **KEY FACTS:**

Persistently dry conditions in B.C. in the summer and fall of 2022 have created low flow conditions in many waterways, which pose challenges for fish populations, including Pacific wild salmon returns. Drought conditions reduce water availability, which among other things, can lead to lethal increases in water temperatures and a reduction in oxygen availability. Provincial staff are actively monitoring and analyzing drought conditions throughout the province to ensure they can act quickly as needed.

### **BACKGROUND:**

#### **On drought response authorities:**

LWRS is responsible for:

- developing drought guidance and templates to support Ministry of Forests (FOR) and Oil and Gas Commission (OGC) water staff;
- Water Objectives and Water Sustainability Plans;
- supporting FOR staff in issuing water authorizations, communicating drought information with water licensees, enforcing authorization terms and conditions, developing WSA Temporary Protection Order decision packages for FOR Minister's decision.

Other Ministries:

- The Comptroller of Water Rights is responsible for issuing WSA s.87 critical environmental flow protection orders.
- FOR generates declarations of significant water shortage and WSA s.88 on temporary fish population protection orders.
- Emergency Management BC (EMBC) provides support to and coordinates response with local governments during emergency response activities.
- The Oil and Gas Commission (OGC) is responsible for issuing water authorizations pertaining to the oil and gas sector and for restricting water diversions during drought.

Regulatory tools under the Water Sustainability Act for drought include these actions by the Ministry of Forests:

- Section 86 – Declaration of significant water shortage
- Section 87- Critical Environmental flow protection orders
- Section 88 – Fish population protection order
- Section 93 – order of an Engineer to support the implementation of First in Time First in Right and to support the implementation of terms and conditions ordered through water licenses
- Under s.88, if the Minister of Forests considers that the flow of water in a specified stream is, or is likely to become, so low that the survival of a population of fish in the stream may be, or may become, threatened, after giving due consideration to the needs of agricultural users, the Minister may make a Fish Population Protection Order

## ADVICE TO MINISTER

respecting the diversion, rate of diversion, time of diversion, or use of water, regardless of the precedence of rights.

**Media Interest:** High, especially in the ongoing drought conditions that are affecting wild salmon returns.

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| File created           | October 17, 2022 |              |
| File updated           | October 20, 2022 |              |

## ADVICE TO MINISTER

### CONFIDENTIAL ISSUES NOTE

Ministry of Land, Water and Resource Stewardship

Date: October 13, 2022

Minister Responsible: Hon. Josie Osborne

## Aquaculture in B.C

### ADVICE AND RECOMMENDED RESPONSE:

- Our government recognizes the federal government's work to address concerns about open-net pen salmon farming in B.C.
- We are committed to working with the federal government on a salmon farm transition process that balances the protection of wild salmon, the environment and the economy, and meets our commitment to reconciliation with First Nations.
- We have encouraged ministers from key portfolios to call upon the federal government to work collaboratively with First Nations and local governments and to commit to a transition plan that supports families, coastal communities and companies.
- At the same time, we will continue to collaborate with our federal colleagues on the important work of protecting and rebuilding B.C.'s critical wild salmon populations.
- Pacific wild salmon are critically important to the social, economic and cultural fabric of this province.

### *If asked about Minister Murray's Discussion Framework for the transition plan*

- We plan to participate in the next steps of the federal government's transition plan and to collaborating with them, First Nations, industry and local governments on a final transition plan.
- We are committed to working with First Nations and DFO to develop the plan.



- It's critical that the transition to a sustainable aquaculture industry respects wild salmon, embraces reconciliation with First Nations and protects jobs.

**If asked about the DFO decision of June 22, 2022, to not extend salmon farm operations in B.C.:**

- B.C. shares Canada's commitment to restore iconic wild salmon populations and the habitats they depend on.
- We respect the federal government's authority under the federal *Fisheries Act* to make decisions on aquaculture licensing.
- But our government has also been exceedingly clear about the need for a comprehensive support plan for First Nations and communities that rely on salmon aquaculture for their livelihoods, as well as the need to explore new technology and economic opportunities for the industry in these regions.

**If asked about the April 22, 2022 federal court decision on procedural fairness for 17 aquaculture sites in the Discovery Islands:**

- I'm aware of the court's decision. We'll continue to work with the federal government to protect, restore and enhance wild salmon populations.
- As Premier Horgan indicated in his March 10 letter to Prime Minister Trudeau, we are urging the federal government to commit to a transition plan that supports families, companies and coastal communities, and we are committed to working with them on this.

**If asked about sea lice and farmed salmon:**

- We know that the aquaculture industry is committed to mitigating the impacts of sea lice infestations.
- The industry now uses a suite of alternative treatments for sea lice, including preventive and direct treatment measures.
- Our government regularly meets with DFO, First Nations and salmon farm operators to discuss how best to mitigate the spread of sea lice and their potential impacts on wild salmon.

## ADVICE TO MINISTER

### BACKGROUND:

On June 22, 2022, the Government of Canada announced that it will not reissue licences for Atlantic salmon aquaculture in the Discovery Islands. Department of Fisheries and Oceans Canada (DFO) is conducting consultations until the end of 2022 with First Nations communities and licence holders before its final decision in early 2023. In August, Minister Murray also announced the next steps of the 2025 Transition Plan of salmon aquaculture in British Columbia, including the release of a discussion framework which describes a desired future state of the industry. The transition plan will rely on input from First Nations, B.C., industry, local governments, stakeholders, and British Columbians.

The Province has committed to working with First Nations and DFO at a Strategic Oversight Committee (SOC) to develop the plan. To date, the SOC has not convened. The First Nations Fisheries Council has opted to not participate, citing concerns about an unclear direction of the plan.

While the transition is being developed, Minister Murray also announced a two-year renewal of licences for marine finfish aquaculture facilities outside of the Discovery Islands. These licences include stronger requirements for aquaculture facilities, implementation of standardized reporting requirements and sea lice management plans as well as wild salmon monitoring—all of which will improve the management of the salmon aquaculture industry and help protect wild salmon stocks and their habitat.

### **Federal Court decision on procedural fairness**

On April 22, 2022, federal court Justice Elizabeth Heneghan handed down her ruling on procedural fairness, as part of a judicial review of the federal government's intention to not renew open-net pen salmon farming in the Discovery Islands. The judge set aside the DFO's decision to shut down salmon farms, meaning that an injunction granted on April 5, 2021, will remain in effect. That injunction allowed operators to continue to apply to DFO for licences to transfer juvenile salmon to their aquaculture sites.

DFO announced on June 22, 2022, that it will not reissue aquaculture licences with the exception of two aquaculture sites in the Discovery Islands to allow salmon to grow out. DFO will hold consultations with salmon farmers and First Nations before its final decision in early 2023.

### **Renewal of aquaculture licences for salmon farming**

Premier John Horgan sent Prime Minister Justin Trudeau a letter on March 10, 2022, to ensure that a strong transition plan from open-net pen salmon farming would protect communities, jobs, and economies. Premier Horgan also emphasized the need to engage local First Nations, as part of government's commitment to the *Declaration Act*.

In April 2022, the B.C. government established the 2025 Transition Plan Working Group to find positive and lasting solutions that will benefit British Columbians involved in the industry.

Members include:

- Minister Osborne, Ministry of Land, Water and Resource Stewardship
- PS Donnelly, Parliamentary Secretary for Fisheries and Aquaculture

- Minister Kahlon, Ministry of Jobs, Economic Recovery and Innovation
- PS Russell, Parliamentary Secretary for Rural and Regional Development
- Minister Popham, Ministry of Agriculture and Food
- Minister Murray Rankin, Ministry of Indigenous Relations and Reconciliation
- Minister Katrine Conroy, Ministry of Forests
- Michelle Babchuk, MLA North Island

The BC Salmon Farmers Association has been a vocal critic of the federal decision to phase out open-net pen salmon farming operations in the Discovery Islands. The industry released an economic analysis in February 2022 that concluded that B.C. would lose 4,700 jobs, \$1.2 billion in economic activity annually, and \$427 million in GDP if the 79 aquaculture licences are not renewed.

Farmed salmon is the largest contributor to B.C. seafood revenues with exports valued at \$566 million (2020). The Discovery Islands aquaculture region represents about 26% of B.C. farmed salmon capacity and 20% of provincial aquaculture revenue (\$132 million in 2019). Five finfish aquaculture companies operate in the broader area through 19 aquaculture sites operated by MOWI Canada West, Cermaq Canada, Grieg Seafood, Yellow Island Aquaculture, and Saltstream Engineering.

### **First Nations**

For a salmon farm to operate in B.C., it must have both a federal aquaculture licence and a provincial land tenure, as well as an agreement with the First Nation on whose territory it operates. Provincial statutory decision makers determine whether to renew land tenures both within and outside the Discovery Islands. Outside of the Discovery Islands, licences were renewed for two years. The Province will work, where applicable, to align tenure renewals with federal licences.

First Nations Wild Salmon Alliance spokesperson Bob Chamberlin has publicly spoken out in support of DFO's decision. He says more than 100 First Nations support the federal government's plan to transition away from open-net salmon farms.

In contrast, the Coalition of First Nations for Finfish Stewardship has put pressure on the federal government to continue issuing licences for open-net pen salmon operators in territories where there is First Nations consent. The coalition states that at least 17 First Nations have negotiated agreements with one or more salmon aquaculture companies that operate within their territories.

Additionally, in mid-August the First Nations Fisheries Council (FNFC) wrote DFO to notify them that FNFC would be removing themselves from the Strategic Oversight Committee (SOC) that was struck by the federal government to support the transition. FNFC's lack of participation threatens the SOC's purpose as it is intended to be a tripartite senior-level committee charged with being the lead support and policy group to manage through transition work.

In June 2022, Cermaq Canada renewed its protocol agreement with Ahousaht First Nation to continue open-net aquaculture operations in Clayoquot Sound and Ahousaht territory for the next five years despite the federal government's stated plans to phase out open-net salmon farming.

Shishalh First Nation, on the other hand, informed aquaculture operator Grieg in June 2022 that they have decided to not allow for continued operations of salmon farms in their territory. Shishalh will begin a discussion with the Province around decommissioning those sites.

## ADVICE TO MINISTER

### Sea lice

Sea lice are parasites that can infest finfish like salmon and transfer from salmon raised in aquaculture sites to wild salmon when they move along migratory routes past the open-net pens.

The abundance of sea lice varies from year to year and is influenced by environmental conditions including ocean salinity, temperature and natural abundance of wild fish. The industry uses multiple approaches to manage sea lice, including prevention, monitoring, regulation, and various treatment options.

To draw any firm conclusions about the degree of impact of salmon farms and sea lice on wild salmon, long-range control studies are needed in areas where salmon farms have been removed.

In British Columbia, applications for the use of specific pesticides need to be authorized by the Ministry of Environment and Climate Change Strategy.

It is possible sea lice may become resistant to chemical agents used to control them in the past, such as emamectin benzoate (used under the trade name SLICE). The industry now uses a suite of alternative treatments for sea lice, including preventive and direct treatment measures:

**Preventive treatments** include anti-sea lice skirts and aeration diffusers, which inhibit the ability of sea lice to enter the salmon pens. Grieg Seafoods is testing another preventive treatment at three salmon farms in Esperanza Inlet, a semi-enclosed containment system that allows barriers to be raised or lowered to provide better insulation between caged and migrating wild salmon. Early results have been positive, with the company indicating sea lice levels were low enough that lice treatments were not needed at those sites.

**Direct treatment measures**, approved by the Aquaculture Stewardship Council, include:

- freshwater well boats, which cause sea lice to detach from the salmon because the lice cannot tolerate freshwater conditions
- Paramotive 50 baths (containing diluted hydrogen peroxide), which kills sea lice but does not harm salmon
- Hydrolicer treatments, which use pressurized water to detach sea lice from the salmon's skin.

### Bacterium causing salmon mortality

Another measure to protect Fraser River sockeye wild salmon is to reduce bacterial infection from *Tenacibaculum maritimum* that causes skin disease and even mortality in salmon. Young Fraser River sockeye migrating past aquaculture farms in the Discovery Islands were more than 12 times more likely to carry that potentially harmful bacterium, *Tenacibaculum maritimum*, than in other areas.

|                         |  |              |
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|               | Division)        |  |
| File Created: | March 23, 2022   |  |
| File Updated: | October 13, 2022 |  |

## ADVICE TO MINISTER

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| <p><b>CONFIDENTIAL<br/>ISSUES NOTE</b></p> <p>Ministry of Land, Water and Resource<br/>Stewardship<br/>Date: October 19, 2022<br/>Minister Responsible: Josie Osborne</p> | <p><b>Invasive mussels and<br/>crabs in B.C. waters</b></p> |
|---|---|

### ADVICE AND RECOMMENDED RESPONSE:

- Healthy watersheds support biodiversity and the health and economic well-being of communities and people throughout the province.
- That's why it's so important we do everything we can to keep B.C. lakes, rivers and waterways clean and healthy through investments like the Invasive Mussel Defence Program.
- Our government carries out a variety of initiatives to mitigate the risk of invasive mussels coming to B.C., including setting up mandatory roadside watercraft inspection stations and lake monitoring.
- We also hold ongoing collaboration with other western provinces, the federal government and community organizations to keep B.C. waters free of these invasive species.
- For example, in June 2022, a mussel-fouled barge from Lake Ontario, destined for industrial use in a Lower Mainland waterway, was tracked down and decontaminated.

### **If pressed about the reduced budget in 2022 for the Invasive Mussel Defence Program:**

- Keeping B.C. waters free of invasive mussels is a priority for our government.
- The Invasive Mussel Defence Program assesses its operations each year to make sure it is delivered as effectively as possible.
- This year, despite working with a reduced budget, we are focusing program operations on priority areas, based on evidence collected since the program started in 2015.

- **We continue to collaborate with our partners on the coordination of watercraft inspection programs to enhance the perimeter-defence approach across western Canada.**
- **And the effectiveness of this approach has been demonstrated in B.C.'s largest decontamination of invasive mussels in June 2022.**

#### **KEY FACTS:**

Zebra and quagga mussels are invasive to B.C. and pose a serious threat to the Province's aquatic ecosystems. An infestation could result in the collapse of valuable native fish populations such as sockeye salmon. Invasive mussels can displace native aquatic plants and wildlife, degrade the environment and affect drinking water quality. In 2022, despite having new funding partners join the collaboration, the Invasive Mussel Defence Program will be running at a reduced budget of \$2.725 million compared to \$3.5 million in 2021.

The Invasive Mussel Defence Program has been operating since 2015 and is reviewed each year. Thirty-two inspectors are operating at six stations in the province. Two roving crews serve the Lower Mainland and Penticton.

It is mandatory for anyone transporting a boat in B.C. to stop at an open inspection station along their travel route during the boating season, from April to October. Watercraft and related equipment includes sailboats, motorboats, car toppers, kayaks, canoes, and paddle boards being transported.

The Province collaborates with Alberta, Yukon, Saskatchewan and Manitoba on enhanced coordination for preventing and managing priority aquatic invasive species. A central component of this work is coordination of the watercraft inspection programs to enhance the perimeter defence approach across western Canada.

The effectiveness of this approach was demonstrated in B.C.'s largest decontamination of invasive mussels to date, in June 2022. A 40-foot-long, mussel-fouled barge that was being transported from Ontario by land was intercepted and thousands of zebra mussels were removed using specialized equipment. The barge was issued a mandatory 30-day quarantine period.

As of August 22, 2022, crews completed 16,700 inspections and interacted with about 30,600 people to promote Clean, Drain, Dry practices – a preventative step all boaters should take when moving between lakes in B.C.

#### **Station operations**

The southern inspection stations will be operational from April 1 to late October 2022, while the northern inspection stations (Dawson Creek and Mt. Robson) will be operational from mid-May to September 1. Stations will be fully operational during the

## ADVICE TO MINISTER

peak season from mid-May to September 1 with scaled back operations in the spring (April) and fall (September to October) shoulder seasons.

In mid-March, 16 inspectors were hired and trained, enabling several southern inspections stations to open on April 1, 2022. A second round of inspector training took place mid-May at the Pacific Region Training Centre in Chilliwack. The additional inspection stations were operational in late May.

### **Lake monitoring**

The Province continues to partner with the Habitat Conservation Trust Foundation to administer grants to community organizations to support invasive mussel lake monitoring sample collection, with funding from the Province and Fisheries and Oceans Canada.

### **Economic analysis**

The Invasive Mussel Defence Program is preparing an economic impact assessment (if zebra and quagga mussels were to be introduced into B.C.) for a variety of sectors, including hydropower, recreation and tourism, irrigation, and property values. The updated report has gone through a peer review process and is being finalized.

### **Invasive European Green Crabs in B.C.**

Recent article on EGCs in Esquimalt Lagoon

<https://www.westerlynews.ca/news/invasive-european-green-crab-scuttles-into-esquimalt-lagoon/>

European green crabs (EGC) are known to devour native species and destroy eelgrass habitat, essential to wild salmon in marine environments. EGCs can be identified by their characteristic five spines located to the side of each eye on their shells. While called green, they can also be yellow, orange, or mottled, and can be as large as four inches across.

The European green crab is now present all the way up the West Coast, and that invasion has been going on for over two decades. They moved naturally, through larval drift, up the coast and were first reported on the U.S. side of the border in fall 2016, with subsequent discoveries in 2018. Now they're found along the entire west coast of Vancouver Island. Whether the invasive crab is crawling up the inside coast remains largely unknown. So far, the crabs have been found as far north as Haida Gwaii.

The Province and Fisheries and Oceans Canada (DFO) jointly funded a total of \$3.23 million in two ongoing projects in the South Coast and in Haida Gwaii managed by the BC Salmon Restoration and Innovation Fund (BCSRIF) to mitigate the damage made by EGCs in B.C.'s coast lines and to curtail their spread. DFO leads responses on calls to action about this invasive species in B.C. waters.

**Media interest:** Active. Expected to increase during the boating season .

|                        |              |              |
|------------------------|--------------|--------------|
| Communications contact | Chitra Arcot | 604 209-4043 |
|------------------------|--------------|--------------|



|                 |                 |              |
|-----------------|-----------------|--------------|
| Program contact | Martina Beck    | 778 698-4364 |
| File created    | 2 May 2022      |              |
| File updated    | 19 October 2022 |              |

## ADVICE TO MINISTER

### CONFIDENTIAL ISSUES NOTE

Ministry of Land, Water and Resource  
Stewardship  
Date: October 11, 2022  
Minister Responsible: Hon. Josie Osborne

## Steelhead Populations in B.C.

### ADVICE AND RECOMMENDED RESPONSE:

- **The Province is committed to rebuilding wild steelhead populations and is encouraged by weekly forecasts for increased returns for 2023.**
- **B.C. continues to engage with First Nations and to coordinate DFO and provincial management approaches and decisions to ensure effective restoration of steelhead populations**
- **B.C. is taking a precautionary approach and is not considering opening a recreational catch and release fishery at this time, given low numbers in recent years.**
- **Through the BC Salmon Restoration and Innovation Fund, we continue to invest in projects to help conserve and recover steelhead.**
  - **For example, approximately \$5 million has supported Interior Fraser Steelhead recovery by repairing blockages from historic industrial activity in thousands of kilometres of habitat.**

### BACKGROUND:

Steelhead are a type of rainbow trout that spend their early years in freshwater before migrating to sea, and are therefore classed as anadromous, like wild salmon. They are found in more than 440 streams in B.C.

Steelhead have significant cultural, economic, social, and ecological importance to British Columbians. Many runs are experiencing historic lows and are classified by B.C. as an “extreme conservation concern” (ECC). Some runs, such as Interior Fraser Steelhead, Gold River and Heber River Steelhead, are in peril and extirpation is a possibility.

This year is proving to be an anomaly, in that ocean conditions and a strong 4-year cohort are returning in higher-than-expected numbers for both salmon and steelhead. A one-year uplift is positive news; however, it does not indicate a recovery.

To estimate run timing, it would be ideal for the test fishery to be located downstream and “outside” of harvesting areas to avoid any distortions due to fishery effects on the observable run timing. Otherwise, the best and readily available insight into pre-fishery seasonal abundance

patterns of Interior Fraser Steelhead, despite potential fishery-induced biases, remains the direct observation of catch in the Albion Test Fishery

The Province is responsible for sustainably managing freshwater fish, including steelhead. The federal government, which manages tidal and salmon fisheries, and First Nations also hold authority for decisions and activities that impact steelhead in B.C.

Three primary mortality factors have been identified: marine survival, natural predation (e.g. pinniped), and unintentional mortality (by-catch) of steelhead in other fisheries that predominantly target wild salmon species. Commercial by-catch is the one threat that is in direct human control.

B.C.'s steelhead management approach is focused on immediately reducing human-caused mortality for runs in ECC to ensure persistence and eventual restoration. This includes protection windows (fishery closures) and supporting moving to selective fishing methods to minimize steelhead by-catch and mortality.

Habitat quantity and quality are generally not considered as significant immediate constraints, although they are critical to long-term restoration. The one time-sensitive habitat issue is recovery from the Atmospheric River Event, for which a new BC-DFO-First Nation task team is connecting to the various flood response and recovery teams to ensure salmon and steelhead migratory needs are incorporated into site-level actions.

The Province also supports the need for an integrated management approach for steelhead with the Department of Fisheries and Oceans Canada (DFO) and First Nations.

One such outcome is DFO's Integrated Fisheries Management Plan for steelhead. Any steelhead captured during commercial fishing must be released to the water with the least possible harm and records of release must be retained and submitted to DFO.

DFO implemented additional management measures this year, such as increased catch monitoring and maximizing sustainable fishing during periods when the fish are not at risk.

Together with its partners, the Province is collaboratively updating the 2016 Provincial Framework for Steelhead Management in British Columbia, the 2019 Interior Fraser Steelhead Action Plan, the Steelhead Fish-Culture/Hatchery policy, the Skeena Steelhead Management Plan and other operational actions including ensuring steelhead and other salmonids are a priority consideration in flood and wildfire recovery activities.

B.C. continues to monitor steelhead returns and seeks to coordinate DFO and provincial management approaches and decisions to ensure effective restoration of steelhead populations.

The BC Salmon Restoration and Innovation Fund (BCSRIF) has funded projects in steelhead conservation. Some of these are highlighted below:

- Led by the British Columbia Conservation Foundation, the "Innovative Habitat Restoration Demonstration" is a multi-year, watershed-scale demonstration project of nearly \$5 million for chinook, coho, sockeye and steelhead to adapt to the effects of recent ecosystem shifts.
- The Canadian Wildlife Federation brought together its partners in a \$4-million-dollar project to prioritize fish passage remediation for steelhead trout and Pacific salmon.
- Ducks Unlimited Canada (DUC) is implementing three large-scale projects worth \$5 million to restore key Fraser River estuary tidal marsh habitat and their access to help

## ADVICE TO MINISTER

Fraser River chinook, coho, steelhead, and sockeye salmon populations, as well as other juvenile salmon populations, white sturgeon, and other wild B.C. fish stocks.

- Nootka Sound Watershed Society received nearly \$325,000 to use a spatial modelling tool and threat assessment to improve and monitor habitat for steelhead and other Pacific salmon species.
- Osoyoos Indian Band was given \$360,000 to restore the Inkaneep Creek and the floodplain to improve survivability of Okanagan steelhead and chinook.
- The Pacific Salmon Foundation will use nearly \$4.16 million to determine survival bottlenecks in freshwater and marine environments for hatchery and wild chinook, coho and steelhead.
- The Scw'exmx {shwa-come} Tribal Association received \$1.13 million to rehabilitate degraded habitats in the Coldwater River and Guichon Creek watersheds that will improve survival of Thompson steelhead and chinook salmon.
- The Shuswap Nation Tribal Council Society will use nearly \$789,000 to fill data gaps of Fraser coho, interior Fraser summer steelhead and chinook populations for effective recovery strategies in the southern Interior.

Due to the complex life history of steelhead, the use of hatcheries for conservation is technically challenging and historically unsuccessful. In addition, hatchery fish can outcompete wild fish, and wild population recovery presents the best genetic mix for survival and resilience to climate change.

It is anticipated that First Nations and most stakeholders will support a precautionary approach by the Province and a continuation of current recreational fishing closures for IFS.

**Media Interest:** Anticipated to increase as different varieties of steelhead runs — Fraser, Thompson, Gold River, Heber — are experiencing historic lows and classified by B.C. as Extreme Conservation Concern, with some stocks in danger of extirpation.

|                        |                  |              |
|------------------------|------------------|--------------|
| Communications contact | Chitra Arcot     | 604 209-4043 |
| Program contact        | Jennifer Davis   | 778 974-2336 |
| File created           | July 22, 2022    |              |
| File updated           | October 11, 2022 |              |

## ADVICE TO MINISTER

**CONFIDENTIAL  
ISSUES NOTE**

Ministry of Land, Water and Resource  
Stewardship  
Date: October 20, 2022  
Minister Responsible: Hon. Josie Osborne

# **Sturgeon Mortalities in Fraser, Nechako Rivers**

### **ADVICE AND RECOMMENDED RESPONSE:**

- The unprecedented numbers of adult sturgeon deaths this summer in the Nechako River and higher than normal numbers in the Lower Fraser River have been a great concern.
- At this time, due to no recent deaths reported, we are cautiously optimistic that this concerning trend is behind us.
- We will continue to monitor for new reports and focus efforts on understanding why this happened and what may be done to prevent high mortality rates in future.
- We continue to collaborate with First Nations, other governments and industry experts on initiatives to support the recovery of white sturgeon in B.C.

### **If asked about the Sturgeon Recovery Plan:**

- White sturgeon are an important and unique species. Recovering populations of this endangered fish through research, monitoring, and habitat restoration is a priority. Efforts include working with:
  - the Freshwater Fisheries Society of BC to release hatchery-raised sturgeon in the Nechako watershed,
  - Fisheries and Oceans Canada to minimize bycatch of sturgeon, and
  - First Nations to develop a Fraser River White Sturgeon Management Plan.
- And we're actively involved in the international recovery teams for the Columbia River and Kootenay River populations.
- Our government is continuing discussions with the Saik'uz and Stelat'en First Nations and Rio Tinto Alcan regarding the health of the Nechako River.

- **We are aware that Saik'uz and Stellat'en First Nations have appealed the B.C. Supreme Court decision. Because the case is in front of the courts, we can't speak more about it.**

### **KEY FACTS:**

Provincial scientists are investigating an unprecedented number of endangered white sturgeon deaths in the Nechako River and higher than normal deaths in the lower Fraser River this past summer.

While some deaths are expected, this year 35 mortalities were seen in the Lower Fraser River, one mortality in the Middle Fraser and for the first time, 12 adult white sturgeon were found on the Nechako. No signs of injury were observed. Necropsies were performed on eight sturgeon from the Nechako, and results are pending.

### **BACKGROUND:**

White sturgeon are Canada's largest freshwater fish, and they are only found in British Columbia. Their lifespan extends to more than 100 years and the fish can grow up to six metres long.

The unprecedented deaths within the Nechako River for the first time are of particular concern as the adult population is estimated at about 500 fish, compared to more than 20,000 in the Lower Fraser.

There have been no recent deaths observed on the Nechako (late October 2022), and all sturgeon carcasses on the Lower Fraser recently found were highly decomposed, suggesting these fish died at least two months ago. For this reason, scientists are hoping the concerning trend might be over.

White sturgeon in the Nechako River, Upper Fraser River, Upper Columbia River and Kootenay River are listed as endangered under the federal Species at Risk Act (SARA). B.C. has primary responsibility for white sturgeon, leading a cross-government team on the management and any recovery of the species. This includes collaboration, research, hatchery operations, and habitat restoration.

The Province and DFO co-chair the White Sturgeon Recovery Initiative, which coordinates the work of technical working groups across the province. These groups explore white sturgeon recovery, and include First Nations, the Province, Canada, industry, communities, and other partners.

Water temperatures have been at, or near, seasonal highs this summer in the Nechako River and the Lower Fraser but have not exceeded thresholds for triggered actions such as temporarily closing recreational fishing to minimize stress on the fish.

The last time that higher than normal mortalities were observed in the Lower Fraser was in the 1993/1994 season, and the cause of approximately 30 deaths was never determined.

### **Why white sturgeon populations are struggling in B.C.**

Human-caused habitat changes—particularly the regulation of rivers through dams—is a main factor behind the decline in sturgeon populations, impacting spawning sites. Lower Fraser River populations were overfished about 100 years ago, and still have not recovered to their former

## ADVICE TO MINISTER

abundance. Sturgeon have low intrinsic population growth rates which makes them slow to recover from population declines.

Saik'uz and Stellat'en of the Nechako region appealed the Supreme Court of British Columbia's decision in their case against Rio Tinto to restore the natural flow to the Nechako River.

### Conservation efforts

Conservation efforts for sturgeon follow a two-pronged approach that relies on hatchery inputs as a stop-gap measure while habitat restoration can be implemented to restore natural recruitment or increase in sturgeon populations.

The Province works collaboratively with First Nations and DFO to minimize by-catch of sturgeon, which might occur either in commercial salmon fishing or through First Nations food, social and ceremonial fisheries for wild salmon. Many First Nations in the Fraser River watershed have voluntarily adopted fishing moratoriums for sturgeon.

Restoring the substrate or riverbed within spawning and early rearing habitats is challenging in large rivers. The Province has previously implemented such measures with not much success over time as restored substrates are washed downstream or when they are filled with sand, making that area unsuitable for sturgeon. Provincial biologists and researchers continue to look for suitable long-term approaches to restoration.

The Province is also leading an engagement process with First Nations to collaboratively develop a Provincial Fraser River White Sturgeon Management Plan.

### Media Interest: High

|                        |                                      |              |
|------------------------|--------------------------------------|--------------|
| Communications contact | Chitra Arcot, Public Affairs Officer | 604 209-4043 |
| Program contact        | Manjit Kerr-Upal                     | 250 896-2231 |
| File created           | Sept. 6, 2022                        |              |
| File updated           | Oct. 4, 2022                         |              |

## ADVICE TO MINISTER

**CONFIDENTIAL  
ISSUES NOTE**

Ministry of Land, Water and Resource  
Stewardship

Date: Oct. 3, 2022

Minister Responsible: Hon. Josie Osborne

# **Caribou Recovery: Predator Reduction and Habitat Protection**

### **ADVICE AND RECOMMENDED RESPONSE:**

- The B.C. government is committed to helping caribou populations recover.
- That's why we created the Provincial Caribou Recovery Program in 2017. We continue to support this work with an investment of over \$10 million each year.
- The program aims to ensure that self-sustaining herds thrive long into the future by making decisions based on science, engaging with the public, and applying appropriate tools.
- Caribou recovery is a complex challenge, requiring multiple approaches across the landscape to help stabilize and reverse the decline of caribou herds in B.C.
- Long-term actions underway include:
  - habitat protection, restoration, and management, and
  - recreation management
- Interim actions include:
  - maternity pens,
  - supplemental feeding, and
  - reducing wolf and cougar populations in some locations

### **If asked about predator management:**

- After years of research, we know that predator management is an effective, temporary measure to avoid the further decline of caribou herds in B.C.
- The decision to reduce predator populations is not taken lightly.
- It is based on science and sound wildlife management principles.



- This is just one tool used to support the recovery of caribou herds.
- Habitat protection, habitat restoration, and maternal penning are also key parts of our caribou recovery strategy – but research has shown that these measures alone are not enough.

**If asked about effectiveness of current predator reduction measures:**

- Years of research on wolf reduction measures show that this approach has immediate, positive, short-term impacts on caribou populations.
- Predator reduction measures on 13 herds helped to stabilize or increase populations in all these herds, whether implemented alone or with other management strategies.
- For example, the Kennedy Siding herd has more than doubled since 2015 — from 49 animals to 115, with predator reduction and supplemental feeding.
- Other examples include:
  - Klinse-za (Scott/Moberly) herd: from 38 animals in 2013 to 114 now, with wolf reduction measures and maternal penning,
  - Columbia North herd: from 124 animals in 2014 to over 200 now, with predator reduction and maternal penning, and
  - Itcha-Ilgachuz herd: from 385 animals to 508 in 2020, after one year of predator reduction.

**If asked about habitat restoration and protection:**

- Human activities such as forestry, mining, oil and gas extraction and recreation (and associated roads, seismic lines, and pipelines) have altered caribou habitat in B.C.
- We have long acknowledged that habitat protection, restoration, and management are crucial for caribou recovery.
- In 2006, the Province protected significant amounts of mountain caribou habitat through the Mountain Caribou Recovery Implementation Plan.
- We're also:
  - Enabling the protection of significant high-elevation Central Group and Klinse-Za range caribou through an intergovernmental partnership agreement.

## ADVICE TO MINISTER

- **Working with Fort Nelson First Nation on a proposed plan to increase habitat restoration and protection for boreal caribou in four ranges, and**
- **Supporting 34 restoration projects with \$4.2 million in grants through the Caribou Habitat Conservation Fund – to date.**

### **KEY FACTS:**

Caribou recovery is a complex challenge. Multiple measures are required to help stabilize and reverse this iconic species' decline. Wolves are the primary predators of caribou in most herds, and high wolf populations are directly linked to the decline of caribou populations. There is also a growing body of research that indicates there is a strong relationship between habitat disturbance and declining caribou populations. The Province has identified habitat restoration as a key management tool to help caribou recover.

### **BACKGROUND:**

Multiple tools are being applied across caribou habitat to help these iconic species to recover. Actions may include: reduction of wolf and cougar populations; management of primary prey (i.e., species that support high predator densities and attract predators to caribou habitat); maternity penning; habitat protection, restoration and management; recreation management; supplemental feeding; and population augmentation.

### **Predator management:**

Predator reduction occurs in 13 of B.C.'s 54 woodland caribou herds. The results of five years of research on wolf reduction in the Central Group of Southern Mountain Caribou show that predator reduction has immediate, positive impacts on caribou populations.

On June 1, 2022, the Honourable Justice Giaschi of the Supreme Court of British Columbia handed down his decision on a petition filed by Pacific Wild Alliance, regarding the lawfulness of the Province's wolf reduction program in support of caribou recovery. The Justice dismissed Pacific Wild's petition and confirmed that B.C.'s statutory decision-makers were within their rights to issue permits to allow for the shooting of wolves by helicopter.

The ruling means that the provincial predator reduction program to aid caribou recovery can continue (if deemed necessary).

### **Habitat Protection and Restoration:**

Efforts to conserve and grow caribou populations through habitat protection and restoration are ongoing throughout the Province.

The Intergovernmental Partnership Agreement for the Conservation of the Central Group of the Southern Mountain Caribou was signed in February 2020, enabling the protection of significant high-elevation habitat throughout the Central Group and additional caribou habitat in the Klinse-Za range.

A proposed Boreal Caribou Protection and Recovery Plan with Fort Nelson First Nation outlines approaches to significantly increase habitat protection and restoration in four boreal caribou ranges in the region (Calendar, Maxhamish, Snake-Sahtaneh, and Westside Fort Nelson).

Created in 2018 with \$2 million, the Caribou Habitat Restoration Fund is part of the Province's ongoing multi-faceted approach to caribou recovery. In 2018, B.C. also committed another \$6.5 million over three years to the program as part of an agreement with the Habitat Conservation Trust Foundation, which administers the fund. Since that time, the foundation has awarded over \$4.2 million in grants to support 34 caribou habitat restoration projects.

A similar partnership with the BC Oil and Gas Research and Innovation Society has played a significant role in increasing our knowledge of caribou habitat and conservation approaches in northeast B.C.

#### **Other measures:**

Supplemental feeding is a short-term method to supplement nutrition for caribou. One project with the McLeod Lake Indian Band found that supplemental feeding contributed to improved caribou health and supported recovery, but was especially effective when combined with predator reduction.

Maternal penning involves capturing females in late winter and holding them in a predator free pen to give birth and until calves are a few months old. This protects them from predators during a critical period of development. B.C. has implemented three maternal penning projects:

- Klinse-Za maternal pen, operated by the West Moberly and Sauleau First Nations and Wildlife Infometrics, reversed population decline in conjunction with predator management;
- Revelstoke maternal pen, operated by the Revelstoke Caribou Rearing in the Wild Society, improved calf survival, but a higher elevation pen was deemed necessary to support adult caribou; and
- Central Selkirks maternal pen, begun this year by Arrow Lakes Caribou Society.

**Media Interest:** Media, particularly those with an environmental focus, remain interested in the plight of caribou and B.C.'s work to restore them, as well as in predator reduction and predator reduction methods.

|                        |                |        |
|------------------------|----------------|--------|
| Communications contact | Your name      | Number |
| Program contact        | Darcy Peel     | Number |
| File created           | Sept. 12, 2022 |        |
| File updated           | Oct. 3, 2022   |        |

## Summary of Crown Corporations, Agencies, Boards, Commissions and Other Key Organizations

### Ministry of Land, Water and Resource Stewardship

| Name   |
|--|
| <b>Mackenzie River Basin Board</b><br>Established to implement the Mackenzie River Basin Transboundary Waters Master Agreement (between the Government of Canada, Saskatchewan, Alberta, British Columbia, Yukon and Northwest Territories), which is non-binding, process focused and publishes State of the Aquatic Ecosystem Report (SOAER) for the Mackenzie River Basin.  |
| <b>Muskwa-Kechika Advisory Board</b><br>Created through legislation ( <i>Muskwa-Kechika Management Act</i> and regulation), the M-KAB provides advice and feedback on emerging Government policies that may impact the M-KMA and on potential management activities in the area. The M-KAB reports out to the Premier and the public annually as well as monitoring activities, including resource development activities. |
| <b>Skagit Environmental Endowment Commission</b><br>Created through legislation ( <i>Skagit Environmental Enhancement Act</i> ) the Commission administers the Skagit Environmental Endowment Fund. The Commission reviews, selects and funds projects which provide or maintain environmental values and recreational facilities in the Skagit watershed south of Hope, BC.   |
| <b>Wildlife Advisory Council</b><br>Formed in 2020, the mandate is to work together to support the implementation of the Together for Wildlife Strategy, as well as advising Ministers on province-wide wildlife and habitat issues on an ongoing basis.   |

### Other NRS Ministries:

#### Ministry of Forests

| Name   |
|--|
| Coastal Logging Equipment Support Trust      |
| Forest Enhancement of BC                     |
| Forest Practices Board                       |
| Privat Managed Forest Land Council           |
| Timber Export Advisory Committee             |
| Freshwater Fisheries Society of BC           |
| Integrated Cadastral Information Society     |
| Creston Valley Wildlife Management Authority |
| Habitat Conservation Trust Foundation        |
| Association of BC Land Survey Authority      |

#### Environment and Climate Change Strategy

| Name  |
|---|
| Climate Solutions and Clean Growth Advisory Council |
| Environmental Assessment Office                     |
| TransLink   |

#### Agriculture and Food

| Name  |
|---|
| Agricultural Land Commission                        |
| BC Farm Industry Review Board                       |
| BC Society for the Prevention of Cruelty to Animals |
| College of Veterinarians of BC                      |
| Various marketing boards and commissions            |

#### Indigenous Relations and Reconciliation

| Name  |
|---|
| BC Treaty Commission                                  |
| First Peoples' Heritage, Language and Culture Council |
| Haida Gwaii Management Council                        |
| Minister Advisory Council on Indigenous Women         |
| New Relationship Trust                                |

#### Energy, Mines and Low Carbon Innovation

| Name  |
|---|
| BC Oil and Gas Commission   |
| BC Hydro and Power Authority, including Powerex and Powertech Labs subsidiaries, and the Site C Project |
| Assayer Certification Board of Examiners  |

## STAKEHOLDER LIST

### Ministry of Land, Water and Resource Stewardship

| Suggested Calls for Minister in First Few Weeks of Appointment |                              |              |  |
|--|------------------------------|--------------|--|
| Organization   | Contact Name and Title       | Phone Number | Email Address  |
| Environment and Climate Change Canada                          | Steven Guilbeault, Minister  | 819-938-3813 | <a href="mailto:Minister-minister@ec.gc.ca">Minister-minister@ec.gc.ca</a>       |
| Fisheries and Oceans Canada                                    | Joyce Murray, Minister       | 604-664-9220 | <a href="mailto:min@dfo-mpo.gc.ca">min@dfo-mpo.gc.ca</a>                         |
| Natural Resources Canada                                       | Jonathan Wilkinson, Minister | 604-775-6333 | <a href="mailto:Jonathan.wilkinson@parl.gc.ca">Jonathan.wilkinson@parl.gc.ca</a> |

| Aquaculture Sector                |                                   |              |  |
|-----------------------------------|-----------------------------------|--------------|--|
| Organization                      | Contact Name and Title            | Phone Number | Email Address  |
| BC Shellfish Growers' Association | Steve Pocock, President           | 250-285-2724 | <a href="mailto:slpocock@telus.net">slpocock@telus.net</a>           |
| BC Salmon Farmers Association     | Ruth Salmon, A/Executive Director | 604-202-2147 | <a href="mailto:ruth@bcsalmonfarmers.ca">ruth@bcsalmonfarmers.ca</a> |

| Fisheries Sector  |  |   |  |
|---|--|---|--|
| Organization  | Contact Name and Title                 | Phone Number                            | Email Address  |
| BC Seafood Alliance   | Christina Burridge, Executive Director | 604-377-9213                            | <a href="mailto:cburridge@telus.net">cburridge@telus.net</a><br><a href="mailto:ExecutiveDirector@BCSeafoodAlliance.com">ExecutiveDirector@BCSeafoodAlliance.com</a> |
| BC Commercial Fishing Caucus/Canadian Independent Fish Harvesters | Jim McIsaac, Executive Director        | 250-818-1114                            | <a href="mailto:jamcisaac@shaw.ca">jamcisaac@shaw.ca</a>   |
| Freshwater Fisheries Society of BC                                | Andrew Wilson, President               | 250-414-4200                            | <a href="mailto:fish@gofishbc.com">fish@gofishbc.com</a>   |
| Native Fishing Association  | Andy Olson, Executive Director         | T: 604-913-2997<br>Personal Information | <a href="mailto:executive.director@shoal.ca">executive.director@shoal.ca</a>   |
| United Fisheries and Allied Workers Union                         | James Lawson, President                | 604-519-3630<br>Personal Information    | <a href="mailto:president@ufawu.org">president@ufawu.org</a>   |
| Sport Fishing Institute   | Owen Bird, Executive Director          | T: 604-946-0734<br>Personal Security    | <a href="mailto:birdo@sportfishing.bc.ca">birdo@sportfishing.bc.ca</a>   |
| Sport Fish Advisory Board   | Martin Paish, Board Chair              | Personal                                | <a href="mailto:martinpaish1@gmail.com">martinpaish1@gmail.com</a>   |

## STAKEHOLDER LIST

### Ministry of Land, Water and Resource Stewardship

| Indigenous Organizations                              |   |              |  |
|---|---|--------------|--|
| Organization  | Contact Name and Title  | Phone Number | Email Address  |
| First Nations Fisheries Council                       | Jordan Point, Executive Director  | 778-379-6470 | <a href="mailto:jordan@fnfisheriescouncil.ca">jordan@fnfisheriescouncil.ca</a>   |
| Lower Fraser Fisheries Alliance                       | Murray Ned, Executive Director<br>(also FN Commissioner with Pacific Salmon Commission) | 604-309-7824 | <a href="mailto:Murray.ned@lffa.ca">Murray.ned@lffa.ca</a>   |
| Upper Fraser Fishing and Conservation Alliance        | Gord Sterritt, Executive Director   | 250-305-5224 | <a href="mailto:Gord.sterritt@upperfraser.ca">Gord.sterritt@upperfraser.ca</a>   |
| Coastal First Nations                                 | Chief Marilyn Slett (Heiltsuk), President   | 604-696-9889 | <a href="mailto:marilyn.slett@heiltsuk.ca">marilyn.slett@heiltsuk.ca</a>   |
|   | Christine Smith-Martin- Executive Director  | 604-340-6197 | <a href="mailto:executivedirector@coastalfirstnations.ca">executivedirector@coastalfirstnations.ca</a>   |
|   | Paul Kariya, Senior Policy Advisor  | 604-696-9889 | <a href="mailto:info@coastalfirstnations.ca">info@coastalfirstnations.ca</a><br><a href="mailto:reception@coastalfirstnations.ca">reception@coastalfirstnations.ca</a> |
|   |   |              | <a href="mailto:pkariya@coastalfirstnations.ca">pkariya@coastalfirstnations.ca</a>   |
| Nanwakolas Council                                    | Dallas Smith, President   | 250-286-7200 | <a href="mailto:president@nanwakolas.com">president@nanwakolas.com</a><br><a href="mailto:info@nanwakolas.com">info@nanwakolas.com</a>                                 |
| Nuu-chah-nulth Council                                | Judith Sayers, President  | 250-724-5757 | <a href="mailto:judith.sayers@nuuchahnulth.org">judith.sayers@nuuchahnulth.org</a>   |
| Huu-ay-aht First Nation (Treaty)                      | Chief Councillor Robert Dennis Sr.  | 250-723-0100 | <a href="mailto:robert.d@huuayaht.org">robert.d@huuayaht.org</a>   |
| Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nation (Treaty) | Legislative Chief Tony Hanson   | 250-332-5259 | <a href="mailto:tonyh@kcfirstnations.com">tonyh@kcfirstnations.com</a><br><a href="mailto:cynthiab@kcfirstnations.com">cynthiab@kcfirstnations.com</a>                 |
| Nisga'a Lisims Government (Treaty)                    | President Eva Clayton   | 250-633-3000 | <a href="mailto:evac@nsgaa.net">evac@nsgaa.net</a><br><a href="mailto:robertac@nsgaa.net">robertac@nsgaa.net</a>   |
| Tla'amin Nation (Treaty)                              | Hegus (Chief) John Hackett  | 604-483-9646 | <a href="mailto:john.hackett@tn-bc.ca">john.hackett@tn-bc.ca</a>   |
| Toquaht First Nation (Treaty)                         | Chief (taayii ɬaʔw'it) Anne Mack  | 250-726-4230 | <a href="mailto:annem@toquaht.ca">annem@toquaht.ca</a>   |

## STAKEHOLDER LIST

### Ministry of Land, Water and Resource Stewardship

|   |                        |                          |  |
|---|------------------------|--------------------------|--|
| Tsawwassen First Nation (Treaty)            | Chief Ken Baird        | 604-943-2112             | <a href="mailto:kenbaird@tsawwassenfirstnation.com">kenbaird@tsawwassenfirstnation.com</a><br><a href="mailto:madams@tsawwassenfirstnation.com">madams@tsawwassenfirstnation.com</a> |
| Uchucklesaht First Nation (Treaty)          | Chief Charlie Cootes   | 250-724-1832             | <a href="mailto:charlie.cootes@uchucklesaht.ca">charlie.cootes@uchucklesaht.ca</a>   |
| Yuułuʔiłʔatḥ (Ucluelet) Government (Treaty) | Chief Charles McCarthy | 250-726-7342<br>ext. 204 | <a href="mailto:charles.mccarthy@ufn.ca">charles.mccarthy@ufn.ca</a><br><a href="mailto:suzanne.williams@ufn.ca">suzanne.williams@ufn.ca</a>   |

| Conservation Organizations                   |  |                              |  |
|--|--|------------------------------|--|
| Organization                                 | Contact Name and Title                         | Phone Number                 | Email Address  |
| BC Wildlife Federation                       | Jesse Zeman, Director                          | 604-882-9988 /<br>ext 205    | Personal Information   |
| Conservation North                           | Michelle Connolly                              |                              | Personal Information<br><br><a href="mailto:info@conservationnorth.org">info@conservationnorth.org</a> |
| Habitat Conservation Trust Foundation        | Dan Buffett, Chief Executive Officer           | 250-940-9780                 | <a href="mailto:Dan.Buffett@hctf.ca">Dan.Buffett@hctf.ca</a>   |
| Howe Sound Biosphere Organization            | Ruth Simons, Executive Director                | 604-921-6564<br>Personal     | <a href="mailto:howesoundbri@gmail.com">howesoundbri@gmail.com</a>                                     |
| Nature Trust of BC                           | Jasper Lament, Chief Executive Officer         | 604-924-9771                 | <a href="mailto:info@naturetrust.bc.ca">info@naturetrust.bc.ca</a>                                     |
| Valhalla Wilderness Society                  | Anne Sherrod, Chairperson                      |                              | <a href="mailto:ann@vws.org">ann@vws.org</a>   |
| Western Canada Wilderness Committee          | Beth Clarke, Executive Director                | 604-683-8220                 | <a href="mailto:info@wildernesscommittee.org">info@wildernesscommittee.org</a>                         |
| Wildlife Stewardship Council                 | John Henderson, President                      | 250-205-0235                 | <a href="mailto:info@wildlifestewardshipcouncil.com">info@wildlifestewardshipcouncil.com</a>           |
| Wildsight                                    | John Bergenske, Conservation Director          | 250-422-3566<br>250-489-9605 | <a href="mailto:john@wildsight.ca">john@wildsight.ca</a>   |
| Yellowstone to Yukon Conservation Initiative | Candace Batycki, BC and Yukon Program Director | 250-352-3830                 | <a href="mailto:candace@y2y.net">candace@y2y.net</a>   |
| Fraser Basin Council                         | David Marshall, Chief Executive Officer        | 604-488-5350                 | <a href="mailto:dmarshall@fraserbasin.bc.ca">dmarshall@fraserbasin.bc.ca</a>                           |

## STAKEHOLDER LIST

### Ministry of Land, Water and Resource Stewardship

|  |   |                                      |  |
|--|---|--------------------------------------|--|
| Invasive Species Council of BC             | Gail Wallin, Executive Director   | 250-305-1003<br>ext 103              | <a href="mailto:gwallin@bcinvasives.ca">gwallin@bcinvasives.ca</a>                         |
| POLIS                                      | Oliver Brandes, Co-Director   | 250-721-8800                         | <a href="mailto:omb@uvic.ca">omb@uvic.ca</a>   |
| Northern Confluence                        | Nikki Skuce, Director   | 778-210-0117                         | <a href="mailto:nikki@northernconfluence.ca">nikki@northernconfluence.ca</a>               |
| Partnership for Water Sustainability in BC | Kim Stephens, Executive Director  | 604-947-2911<br>Personal Information | <a href="mailto:kstephens@watersustainabilitybc.ca">kstephens@watersustainabilitybc.ca</a> |
| BC Freshwater Legacy Initiative            | Tim Morris, Project Director  |                                      | <a href="mailto:info@bcwaterlegacy.ca">info@bcwaterlegacy.ca</a>                           |
| Georgia Strait Alliance                    | Christianne Wilhelmson, Executive Director                                      | 250-753-3459                         | <a href="mailto:christianne@georgiastrait.org">christianne@georgiastrait.org</a>           |
| Living Lakes Canada                        | Kat Hartwig, Executive Director   | 250-346 3036<br>Personal Information | <a href="mailto:kat@livinglakescanada.ca">kat@livinglakescanada.ca</a>                     |
| Okanagan Basin Water Board                 | Anna Warwick Sears, Executive Director  | 250-469-6251                         | <a href="mailto:Anna.warwick.sears@obwb.ca">Anna.warwick.sears@obwb.ca</a>                 |
| Rivershed Society of BC                    | Justine Nelson, Executive Director  | 604-773-2416                         | <a href="mailto:justine@rivershed.com">justine@rivershed.com</a>                           |
| Salmon Beyond Borders                      | Jill Weitz, Director  | 907-957-9504                         | <a href="mailto:jill@salmonstate.org">jill@salmonstate.org</a>                             |
| Watershed Watch Salmon Society             | Aaron Hill, Executive Director  | 250-818-0054                         | <a href="mailto:aaron@watershedwatch.ca">aaron@watershedwatch.ca</a>                       |
| Watersheds BC                              | Zita Botelho, Program Director  |                                      | <a href="mailto:zita@watershedsbc.ca">zita@watershedsbc.ca</a>                             |
| Pacific Salmon Foundation                  | Michael Meneer, President and CEO   | 604-664-7664                         | <a href="mailto:president@psf.ca">president@psf.ca</a>                                     |
| BC College of Applied Biology (CAB)        | Christine Houghton, Chief Executive Officer                                     | 250-383-3306                         | <a href="mailto:ceo@cab-bc.org">ceo@cab-bc.org</a>   |
|  | Alexandra de Jong Westman, President  |                                      |  |
| Pacific Salmon Commission                  | Martin Paish (BC Commissioner)<br>Note- also director at Sportfishing Institute | Personal Information                 | <a href="mailto:Martinpaish1@gmail.com">Martinpaish1@gmail.com</a>                         |
| Nature United                              | Hadley Archer, Executive Director   | 416-238-9597                         | <a href="mailto:harcher@natureunited.ca">harcher@natureunited.ca</a>                       |
| West Coast Environmental Law               | Jessica Clogg, Executive Director   | 604-601-2501                         | <a href="mailto:jclogg@wcel.org">jclogg@wcel.org</a>                                       |
| Canadian Parks and Wilderness Society      | Kate MacMillan, Ocean Campaign Manager  | 778-886-0870                         | <a href="mailto:kate@cpawsbc.org">kate@cpawsbc.org</a>                                     |
| David Suzuki Foundation                    | Severn Cullis-Suzuki, Executive Director  | 604-732-4228                         | <a href="mailto:contact@davidsuzuki.org">contact@davidsuzuki.org</a>                       |
| Surfrider Foundation                       | Lucas Harris, Executive Director  | 250-516-6974                         | <a href="mailto:lharris@canada.surfrider.org">lharris@canada.surfrider.org</a>             |



## STAKEHOLDER LIST

### Ministry of Land, Water and Resource Stewardship

| Federal Government                    |                              |              |  |
|---------------------------------------|------------------------------|--------------|--|
| Organization                          | Contact Name and Title       | Phone Number | Email Address  |
| Environment and Climate Change Canada | Steven Guilbeault, Minister  | 819-938-3813 | <a href="mailto:Minister-minister@ec.gc.ca">Minister-minister@ec.gc.ca</a>       |
| Fisheries and Oceans Canada           | Joyce Murray, Minister       | 604-664-9220 | <a href="mailto:min@dfp-mpo.gc.ca">min@dfp-mpo.gc.ca</a>                         |
| Natural Resources Canada              | Jonathan Wilkinson, Minister | 604-775-6333 | <a href="mailto:Jonathan.wilkinson@parl.gc.ca">Jonathan.wilkinson@parl.gc.ca</a> |

| Land Planning and Old Growth Organizations                          |  |  |  |
|---|--|--|--|
| Organization  | Contact Name and Title   | Phone Number                               | Email Address  |
| Association of BC Forest Professionals                              | Christine Gelowitz, CEO  | Personal                                   | <a href="mailto:cgelowitz@abcfp.ca">cgelowitz@abcfp.ca</a>   |
| BC Council of Forest Industries                                     | Linda Coady, President and CEO   | 604-684-0211                               |  |
| BC Pulp and Paper Coalition   | Bob Lindstrom, Coalition Manager   | Personal                                   | <a href="mailto:Bob.lindstrom@shaw.ca">Bob.lindstrom@shaw.ca</a>   |
| Interior Lumber Manufacturers Association                           | Dan Battistella, President   | 250-319-4119                               | <a href="mailto:Dan.battistella@ilma.com">Dan.battistella@ilma.com</a>   |
| Truck Loggers Association   | Bob Brash, Executive Director  | 604-684-4291 ext 1                         | <a href="mailto:bob@tla.ca">bob@tla.ca</a>   |
| Union of BC Municipalities  | Laurey-Anne Roodenburg, President  | 604-270-8226<br>250-255-5394               | <a href="mailto:ubcm@ubcm.ca">ubcm@ubcm.ca</a><br><a href="mailto:l_roodenburg@yahoo.ca">l_roodenburg@yahoo.ca</a>   |
| Business Council of British Columbia                                | Greg D'Avignon, President and CEO  | 604-696-6586                               | <a href="mailto:greg.davignon@bccbc.com">greg.davignon@bccbc.com</a>   |
| First Nations Leadership Council<br>*contact all three individuals* | Regional Chief Terry Teegee<br>Cheryl Casimer<br>Secretary Treasurer Judy Wilson |  | <a href="mailto:ccasimer@fns.bc.ca">ccasimer@fns.bc.ca</a><br><a href="mailto:regionalchief@bcfn.ca">regionalchief@bcfn.ca</a><br><a href="mailto:judy@ubcic.bc.ca">judy@ubcic.bc.ca</a> |
| Nature Conservancy Canada   | Nancy Newhouse, Regional Vice-President, British Columbia Region                 | 250-688-6257                               | <a href="mailto:Nancy.newhouse@natureconservancy.ca">Nancy.newhouse@natureconservancy.ca</a>   |
| West Coast Environmental Law  | Jessica Clogg, Executive Director and Senior Council                             | 604-601-2501<br>1-800-330-9235<br>ext. 201 | <a href="mailto:jclogg@wcel.org">jclogg@wcel.org</a>   |
| Sierra Club BC  | Hannah Askew, Executive Director   | 250-386-5255 x 249                         | <a href="mailto:hannah@sierraclub.bc.ca">hannah@sierraclub.bc.ca</a>   |

| Other               |                                |              |  |
|---------------------|--------------------------------|--------------|--|
| Organization        | Contact Name and Title         | Phone Number | Email Address  |
| Chamber of Commerce | Fiona Famulak, President & CEO | 604-683-8110 | <a href="mailto:ffamulak@bcchamber.org">ffamulak@bcchamber.org</a> |

**STAKEHOLDER LIST**  
**Ministry of Land, Water and Resource Stewardship**

|                                    |                          |              |  |
|------------------------------------|--------------------------|--------------|--|
| Vancouver Island Economic Alliance | George Hanson, President | 250-667-5225 | <a href="mailto:george@viea.ca">george@viea.ca</a> |
|------------------------------------|--------------------------|--------------|--|

**Ministry of  
Land, Water and  
Resource Stewardship and  
Minister Responsible for Fisheries**

**2022/23 – 2024/25  
SERVICE PLAN**

**March 2022**



For more information on the Ministry of Land, Water and Resource Stewardship and Minister  
Responsible for Fisheries contact:

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778-974-5507

Or visit our website at

<https://www2.gov.bc.ca/LWRS>

Published by the Ministry of Land, Water and Resource Stewardship  
and Minister Responsible for Fisheries

## Minister's Accountability Statement



The *Ministry of Land, Water and Resource Stewardship 2022/23 – 2024/25 Service Plan* was prepared under my direction in accordance with the *Budget Transparency and Accountability Act*. I am accountable for the basis on which the plan has been prepared.

A handwritten signature in dark ink, appearing to read 'Josie', written in a cursive style.

Honourable Josie Osborne

Minister of Land, Water and Resource Stewardship and Minister Responsible for Fisheries

March 9, 2022

## Table of Contents

|  |    |
|--|----|
| Minister's Accountability Statement .....                    | 3  |
| Purpose of the Ministry .....                                | 5  |
| Strategic Direction .....                                    | 5  |
| Economic Statement .....                                     | 5  |
| Performance Planning .....                                   | 7  |
| Financial Summary .....                                      | 12 |
| Appendix A: Agencies, Boards, Commissions and Tribunals..... | 13 |

## Purpose of the Ministry

The Ministry of Land, Water and Resource Stewardship works with other natural resource sector ministries to achieve British Columbia's goals of reconciliation with Indigenous Peoples, economic recovery, and environmental sustainability. The Ministry will be responsible for the effective development of land and marine use policy and planning, biodiversity and ecosystem health, including species at risk policy and program management. The Ministry will also be responsible for developing a new vision for land and resource management with First Nations that will embrace shared decision-making on the land base as part of reconciliation with Indigenous Peoples in B.C.

To do this work the Ministry is accountable for all or key parts of the *Environment and Land Use Act*, *Flathead Watershed Area Conservation Act*, *Forest and Range Practices Act*, *Land Act*, *Ministry of Environment Act*, *Ministry of Forests and Range Act*, *Muskwa-Kechika Management Area Act*, *Skagit Environmental Enhancement Act*, *Water Sustainability Act*, and the *Wildlife Act*.

## Strategic Direction

In 2022/2023, the Government of British Columbia will continue its whole-of-government response to the COVID-19 pandemic with a focus on protecting the health, social and economic well-being of British Columbians. Building on our economic, environmental, and social strengths while looking to seize opportunities to improve outcomes for all British Columbians will be an important aspect of each ministry's work as we respond to COVID-19 and recover from devastating floods and wildfires. The policies, programs and projects developed over the course of this service plan period will align with the five foundational principles established by Government in 2020: putting people first; working toward lasting and meaningful reconciliation; supporting equity and anti-racism; ensuring a better future through fighting climate change and meeting our greenhouse gas reduction targets; and supporting a strong, sustainable economy that works for everyone.

This 2022/23 service plan outlines how the Ministry of Land, Water and Resource Stewardship will support the government's priorities including the foundational principles listed above and selected action items identified in the February 25, 2022 Minister's Mandate Letter.

## Economic Statement

B.C.'s economy has rebounded from the impacts of the COVID-19 pandemic that began in 2020, despite significant pandemic variant and climate-related events. A strong health response, high vaccination rates, increased infrastructure investments and supports for British Columbians struggling through the pandemic has helped the province rebound. While the recovery has broadened over the past year, it remains uneven with sectors like tourism, hospitality and live recreation events not fully recovered. The path of the ongoing economic recovery in B.C. and its trading partners remains highly uncertain. However, rebuild efforts from the November 2021 floods are expected to provide some support to economic activity in the province. The Economic Forecast Council (EFC) estimates that B.C. real GDP expanded by 5.1 per cent in 2021 and

expects growth of 4.2 per cent in 2022 and 2.7 per cent in 2023. Meanwhile for Canada, the EFC projects national real GDP growth of 4.1 per cent in 2022 and 2.8 per cent in 2023, following an estimated gain of 4.7 per cent in 2021. As such, B.C.'s economic growth is expected to be broadly in line with the national average in the coming years. The pandemic has increased risks to B.C.'s economic outlook, such as the emergence of further variants of concern, inflationary supply chain disruptions, extended travel restrictions, and the continued impact of the slower recovery in some sectors of the B.C. economy. Further risks include ongoing uncertainty regarding global trade policies, and lower commodity prices.



## **Performance Planning**

### **Goal 1: Co-develop a Vision for Natural Resources Co-management and Shared Decision Making with Indigenous Nations**

The Ministry will work with Nations to build a vision for co-management on the land base that embraces shared decision making and builds an approach for co-management of land and natural resources that will ensure effective management now and in the future.

#### **Objective 1.1: Strengthen Partnerships and Advance Engagement with Indigenous Peoples in the Stewardship of B.C.'s Natural Resource Values**

The Ministry will develop a path forward with Indigenous Peoples, through partnerships and engagement, which includes the continued development of sector strategies and plans, the alignment of natural resource sector laws and the development of tools and supports.

#### **Key Strategies**

- Support the coordinated operation and expansion of collaborative Indigenous forums between Indigenous governments and the Province, such as the Environmental Stewardship Initiative and the Collaborative Stewardship Framework.
- Support the planning and management of agreements including the Marine Plan Partnership for the North Pacific Coast and the Great Bear Rainforest Agreement.
- Develop a long-term collaborative approach with Indigenous partners to manage cumulative effects on the land base to balance economic opportunities and protect environmental and cultural values.

#### **Performance Measurement**

- The Ministry will finalize and implement a plan in collaboration with Indigenous governments to increase the number of Forum partnerships outlining co-governance and shared decision-making models supporting trusted integrated resource management. The Ministry will start with a 2021/22 baseline of nine Forum partnerships, expanding the number of partnerships in subsequent years.
- The Ministry, through its work with Nations, will co-develop performance measures to track progress on a co-management and shared decision-making framework and these measures will be reflected in future service plans.

## **Goal 2: Improve Stewardship of Land and Water for Reconciliation, Environmental Protection and Economic Development**

Modernized land use planning, undertaken with First Nations, will help to identify areas where environmental values are affirmed through protection and sustainable economic opportunities. The Ministry is focussing on strengthening monitoring efforts and ensuring that land and water plans reflect current conditions and consider the changing climate.

### **Objective 2.1: Improve Wildlife Management, Protect Wildlife Habitat, and Support the Recovery of Species at Risk**

The Ministry will collaborate with partners to develop and improve relationships, agreements, and strategies that enhance wildlife management and biodiversity.

#### **Key Strategies**

- Work in partnership with the federal government to develop a Nature Agreement that will reinforce collaboration on B.C. and Canada's shared commitment to advance conservation and stewardship in a way that supports reconciliation and economic opportunities.
- With the advice of the Minister's Wildlife Advisory Council, work with the First Nations-B.C. Wildlife Stewardship and Habitat Conservation Forum, wildlife stakeholders and organizations, Indigenous Peoples, rural communities, natural resource development industry stakeholders, neighbouring jurisdictions and the public, to implement the [Together for Wildlife Strategy](#).
- Together with Indigenous Peoples, stakeholders, the Ministry of Environment and Climate Change Strategy and other B.C. ministries, plan and deliver key actions to stabilize, recover and/or maintain identified woodland caribou herds in B.C.
- Connect the systems, tools and people to the transformative work taking place across the natural resource sector and increase the Province's ability to manage for cumulative effects through integrated, science-based land, aquatic, resource, and geographic data.

#### **Performance Measurement**

- The Ministry will develop performance measures related to these strategies to be included in the 2023/24 Service Plan.

### **Objective 2.2: Advance Modernized Land Use Planning**

Land use planning sets the strategic direction to guide sustainable resource stewardship and management of provincial public land and waters that meets economic, environmental, social, and cultural objectives. Modernized land use planning is led by the B.C. government in partnership with Indigenous governments and includes engagement of communities, local governments, industry and other stakeholders.

### **Key Strategies**

- Continue to partner with Indigenous governments and engage stakeholders and communities to identify and set land-use objectives through modernized land-use planning, ensuring sustainable natural resource management reflects shared social, cultural, economic and environmental values.

### **Performance Measurement**

- The Ministry will finalize and implement a plan to increase the participation of Indigenous Nations in Modernized Land Use Planning processes, building upon the success of current modernized land use planning tables.
- The Ministry will start with a 2021/22 baseline of 24 First Nations participating in land use planning processes, expanding on the number of partnerships over subsequent fiscal years, and reporting on the outcomes of these initiatives in future reports, including Annual Service Plan Reports.

### **Objective 2.3: Improve Water Stewardship from Source to Tap**

British Columbians depend on water for drinking, washing, cooking, growing our food, and recreation. Small businesses and industries also rely on water to support economic opportunities. Water is essential for aquatic life and sustaining our world class fisheries. Importantly, water has cultural and spiritual significance for Indigenous Peoples. The Ministry works with Indigenous governments, stakeholders, and partners to plan and set objectives that guide water stewardship.

### **Key Strategies**

- Building on the engagement process underway and working with Indigenous nations and federal and local governments, create a Watershed Security Strategy and begin the development and approval process of an associated Watershed Security Fund to protect clean water.
- Develop and implement a provincial approach to establish Water Sustainability Plans.

### **Performance Measurement**

- The Ministry will make progress on the Watershed Security Strategy and Fund. Performance measures will be considered for the 2023/24 Service Plan.

### **Goal 3: Stewardship of Marine and Coastal Values for Environmental Protection, Economic Development, and Reconciliation**

This goal addresses the Ministry's role in working with Indigenous Nations and partners to ensure sustainable use of our coastal and marine spaces, marine fisheries, and production in the aquaculture sector as part of government's broader goals on economic recovery, rural and coastal community growth, and food security. Supporting these efforts requires investing in conservation and restoration of species and their habitats, infrastructure, and programs supporting healthy fish populations and sustainable harvests.

#### **Objective 3.1: Address Fish Species Declines**

Reinvigorate provincial programs that address wild salmon and other fish species declines and coastal fisheries economies. Investments will align with recommendations from B.C.'s Wild Salmon Advisory Council and other fisheries reviews.

##### **Key Strategies**

- Work with the Federal Government, First Nations leadership, and stakeholders to develop strategies for wild salmon recovery and revitalization in B.C.
- Explore ways to enhance investment in the British Columbia Salmon Restoration and Innovation Fund, a contribution program funded jointly by the federal and provincial governments.
- Explore options for unlocking under-utilised salmon habitat rendered impassable by natural or human causes.
- Explore policies to prioritize wild salmon and other fish species recovery in provincial natural resource programs.

##### **Performance Measurement**

- The Ministry, in its first year of operation, will consider appropriate performance measures and targets linked to strategies for wild salmon and other fish species for the 2023/24 Service Plan.

#### **Objective 3.2: Develop a Coastal Marine Strategy**

The Province has committed to develop a new coastal marine strategy, in cooperation with the federal government, Indigenous Peoples, and coastal communities, to provide a blueprint for future stewardship, economic resilience and management of our coastal waters. This work complements work on a network of Marine Protected Areas in the Northern Shelf Bioregion and continued implementation of the integrated marine plans developed under the [Marine Plan Partnership](#).

##### **Key Strategies**

- In partnership with First Nations, federal and local governments, and other natural resource ministries, develop the first Provincial Coastal Marine Strategy to better protect coastal habitat while supporting coastal economies.

- In partnership with First Nations, federal and local governments work to develop the first ever Marine Protected Area Network in Canada.
- Continue to work with Marine Plan Partnership First Nations partners to secure a durable and stable implementation financing model.

### **Performance Measurement**

- The Ministry, in its first year of operation, will consider appropriate performance measures and reporting to reflect outcomes from the Coastal Marine Strategy and the Marine Protected Areas Network.

## Financial Summary

| Core Business Area   | 2021/22<br>Restated<br>Estimates <sup>1</sup> | 2022/23<br>Estimates | 2023/24<br>Plan | 2024/25<br>Plan |
|--|---|----------------------|-----------------|-----------------|
| <b>Operating Expenses (\$000)</b>  |   |                      |                 |                 |
| Land Use Policy and Planning and Terrestrial Ecosystems                  | 42,031  | 43,063               | 43,717          | 43,717          |
| Watershed, Aquatic Ecosystems, Fisheries and Coastal Policy and Planning | 5,998   | 6,831                | 7,415           | 7,415           |
| Information, Innovation and Technology                                   | 21,828  | 21,921               | 21,985          | 21,985          |
| Reconciliation and Natural Resource Sector Policy                        | 497   | 1,835                | 2,776           | 2,776           |
| Natural Resource Sector Secretariat                                      | 3,836   | 5,333                | 6,389           | 6,389           |
| Executive and Support Services   | 7,818   | 13,025               | 16,786          | 16,786          |
| <b>Total</b>   | <b>82,008</b>                                 | <b>92,008</b>        | <b>99,068</b>   | <b>99,068</b>   |
| <b>Ministry Capital Expenditures (Consolidated Revenue Fund) (\$000)</b> |   |                      |                 |                 |
| Executive and Support Services   | 0   | 245                  | 0               | 0               |
| <b>Total</b>   | <b>0</b>                                      | <b>245</b>           | <b>0</b>        | <b>0</b>        |
| <b>Other Financing Transactions (\$000)</b>                              |   |                      |                 |                 |
| <b>Total Receipts</b>  | <b>0</b>                                      | <b>0</b>             | <b>0</b>        | <b>0</b>        |
| <b>Total Disbursements</b>   | <b>0</b>                                      | <b>0</b>             | <b>0</b>        | <b>0</b>        |
| <b>Total Net Cash Requirements (Source)</b>                              | <b>0</b>                                      | <b>0</b>             | <b>0</b>        | <b>0</b>        |

<sup>1</sup> For comparative purposes, amounts shown for 2021/22 have been restated to be consistent with the presentation of the 2022/23 Estimates.

\* Further information on program funding and vote recoveries is available in the [Estimates and Supplement to the Estimates](#).

## **Appendix A: Agencies, Boards, Commissions and Tribunals**

As of April 1, 2022, the Minister of Land, Water and Natural Resource Stewardship and Minister Responsible for Fisheries is responsible and accountable for the following:

- Mackenzie River Basin Board
- Minister's Wildlife Advisory Council
- Muskwa-Kechika Advisory Board
- Skagit Environmental Endowment Commission







# New Minister Orientation to Natural Resource Sector Restructuring

---

**February 2022**

# Mandate Commitment

Bring forward a plan to create a new Ministry for  
Lands and Natural Resource Operations

Lands and Natural Resource Operations Secretariat  
established to develop organizational restructuring options  
to better achieve government's three goals:

Economic Activity

Environmental Sustainability

Reconciliation with Indigenous Peoples

# Methodology and Approach

## PHASE 1: ASSESSMENT (Jan-May 2021)

Understand the problem we are solving for.

## PHASE 2: DESIGN (Jun-Fall 2021)

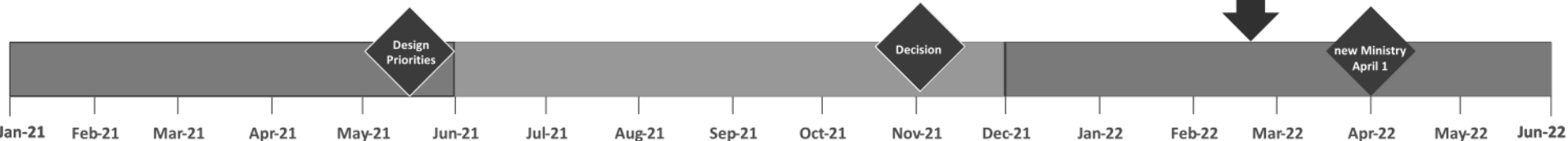
### Deliverables

1. Organizational Restructuring Options and Recommendation
2. Implementation Plan (High-level)
3. Change Management & Communications Plan

## PHASE 3: IMPLEMENTATION (Dec-Spring 2022)

Plan for implementation with the business to minimize negative impacts of change and to ensure full value of the transformation is achieved.

*We are here*



# Context: Evolution of Sector Integration

- **1992: CORE:** Commission on Resource and Environment – enables Land and Resource Management Planning for BC
- **1995: Land use Coordination Office (LUCO)** – Facilitates provincial integration for land use planning and a protected areas strategy for BC
- **1998: Oil and Gas Commission (OGC)** established
- **2001 Ministry of Sustainable Resource Management Ministry (MSRM)** established
- **2005 Natural Resource Board of Deputy Ministers (NRB) and Integrated Land Management Bureau (ILMB)** established (including FrontCounter)
- **2008: NRB** begins virtual integration. Resource Management Coordination Project launched and ministries begin to enter into Government-to-Government Agreements
- **2010: Forests, Lands, and Natural Resource Operations (FLNRO)** established to lead integration of NRS decision making and land and resource management coordination
- **2012:** Cross-ministry coordination to support Government's new priorities for **Liquified Natural Gas**
- **2014:** Cross-ministry coordination to support response to **Tsilhqot'in decision** (aboriginal title)
- **2017:** New government commitment to major natural resource sector initiatives, such as **modernized land use planning**
- **2019:** Cross-ministry coordination to support ***Declaration of the Rights of Indigenous Peoples Act***
- **2021:**
  - ▶ **LNRO Secretariat** undertakes organizational effectiveness review
  - ▶ **Old Growth** commitments
  - ▶ **Blueberry River** decision

# Context: External Drivers / Trends

1

## ENVIRONMENTAL

- Continued pressure to establish more protected areas
- Growing number of BC species designated as endangered, threatened or of special concern
- Climate Change



2

## SOCIETAL

- Commitment to Reconciliation
- Changing Demographics
- Workforce
- Urban Sprawl and changing rural communities

3

## TECHNOLOGY

- Social Media
- Digital Advancements
- Decentralized production

4

## ECONOMIC

- COVID-19 impacts
- Supply Chain
- ESG Investments

# Context: NRS Strategic Imperatives and Operations

*Staff must run the day-to-day operations and deliver an increasingly complex array of strategic initiatives*

## Day-to-Day Operations

- Land and resource management on over 94 million hectares of land
- Protection of archeological and heritage resources
- Sustainable resource management of forest, wildlife, water
- Economic development in Indigenous and rural communities
- Wildfire management
- Public access to hunting, fishing, wilderness and backcountry
- Preparing and responding to impacts of climate change
- Policy and legislative development
- Operational management and implementation of policy



## Impact on Staff

Staff across the sector underscored the stress they experience trying to deliver

## Strategic Imperatives

- 71 mandate deliverables
- Large volume of other strategic projects:
  - DRIPA Action Plan Commitments
  - Forestry Intentions Paper
  - Old Growth Management
  - Indigenous Stewardship Forums
  - Aboriginal Liaison Program
  - SDM risk management and training
  - Indigenous Negotiations Framework
  - Crown Land Transformation Initiative (incl. Land Act Transformation)
  - Canada-BC Nature Agreement
  - Integrated Land Management Policy
  - Agricultural labour

# Design Principles

## Lands and Natural Resource Operations Secretariat

## DESIGN PRINCIPLES

The Land and Natural Resource Operations Secretariat will be guided by the following organizational design principles in considering a future structure for the natural resource sector. Each principle refers to the effectiveness of all organizational components – structure, systems and process, tools and technology, and people. In applying the principles, we will consider how they support the Province's overarching goals of **economic activity, environmental sustainability and reconciliation with Indigenous Peoples.**

| Accountability  | Adaptability  | Inclusivity   |
|---|---|---|
| Organizational structure will be supported by effective governance across the natural resource sector and ensure accountabilities are aligned with appropriate decision makers.   | Organizational structure will be agile and responsive to better meet the needs of our partners, stakeholders and British Columbians. We will design with both the present and future needs of the natural resource sector in mind, ensuring we are ready to meet new challenges and make the most of new opportunities, including a continued focus on building a resilient sector. | In both developing and implementing our design we will be transparent and inclusive, ensuring diverse voices, perspectives and priorities are heard and taken into consideration, and are represented by a diverse workforce.   |
| Innovation  | Integration   | Meaningful Reconciliation   |
| The design will embrace opportunities to accelerate the creation, development and implementation of ideas that improve outcomes in our evolving natural resource sector. This includes timely and responsive decisions on authorizations and optimizing the full range of values realized on the land base. | We will build on the success of the past to further integrate the work across the sector where needed.  | Reconciliation requires seeking opportunities to form a better understanding of what reconciliation means in practice and co-development of a path forward for reconciliation in the natural resource sector. Opportunities to substantively advance reconciliation within the natural resource sector will be a lens applied throughout the design and implementation phases.  |
| Regional Presence   | Service Orientation   | Sustainable Resource Management   |
| Recognizing how critical relationships on the ground are, we will continue to ensure the natural resource sector's leadership and diverse regional presence is maintained.  | We will seek options that maintain or improve relationships, business processes and operations both within government and with our partners, clients and stakeholders. This includes enhancing transparency in decision making and bringing greater mutually beneficial certainty where possible.   | Managing natural resources in a manner that meets the needs of the present without compromising the ability of future generations to meet their own needs. This includes striking a balance between the competing values of economic development and environmental protection. It requires improved understanding of complex ecological processes and the socioeconomic drivers shaping human-environment interactions. |

# Phase I: Assessment

## Overall Findings – Current Strengths



There has been a significant cultural shift in the NRS around the need for reconciliation. Some Indigenous peoples are indicating an increased openness from government.



The relationships that some staff have developed with First Nations and communities have allowed delivery of better solutions and outcomes. There is a desire among staff to continue and build upon this.



During the pandemic, the NRS was successful in adapting service delivery and leveraging operational strengths to implement new programs and strategies. Staff remain engaged and work hard to deliver on a wide range and depth of priorities.



Increased collaboration and collegiality at the Executive level across the sector and a sense of working together.



Improvements in timelines for permits in FLNRORD overall, and improved coordination through bundled permitting projects and in major projects (“one project-one process”).



Progress towards integrated resource management provides the foundation to advance co-management and shared decision-making with First Nations.



Foundational building blocks are in place to leverage going forward. Examples include cumulative effects monitoring and assessment, Collaborative Stewardship Forums, integrated decision making.



# Phase I: Assessment

## Overall Findings – Challenges

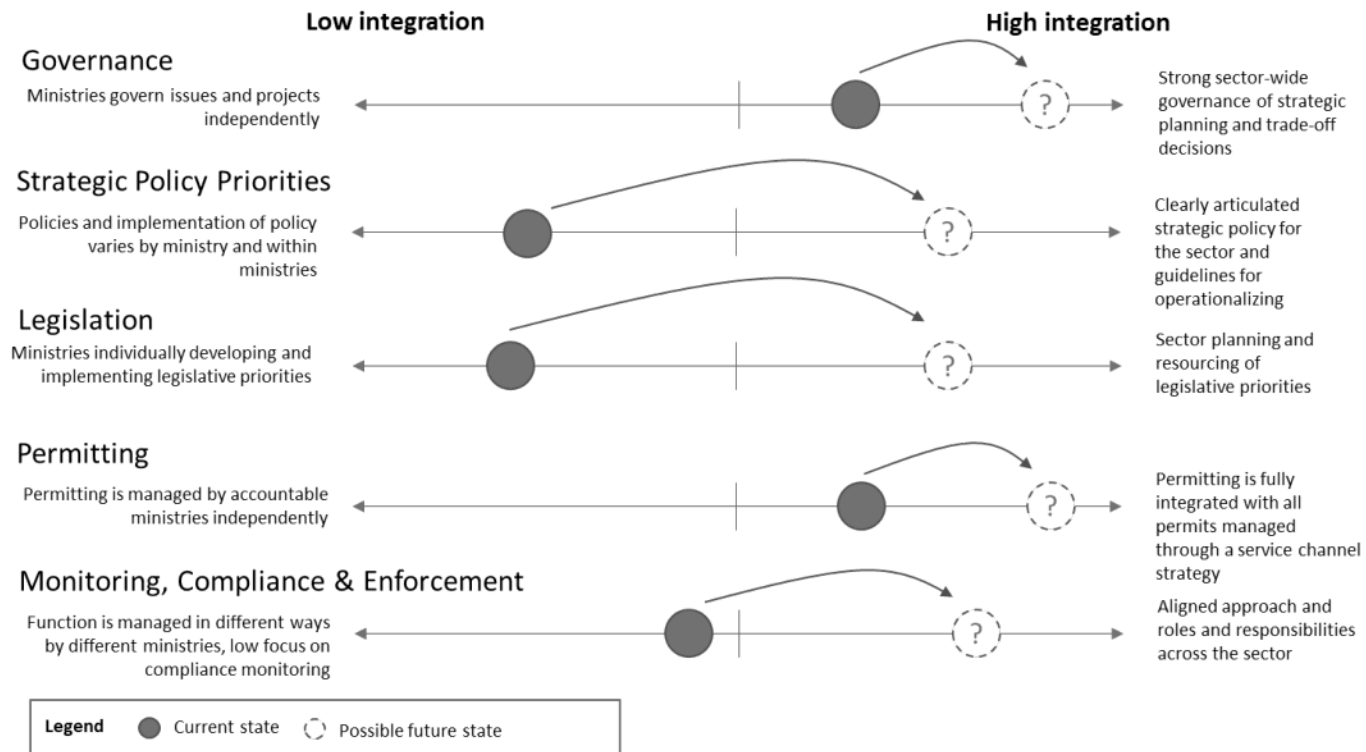
1. The NRS is not set up to implement the Declaration Act and advance reconciliation in a meaningful, coordinated way in partnership with Indigenous peoples.
2. The significant focus, attention, and resourcing needed to achieve the magnitude of the transformation envisioned for the forestry sector cannot be underestimated.
3. The absence of a unifying sector-wide vision, mandate, performance measures, and communications contributes to reactive and fractured, rather than proactive, resource management.
4. The expectations of FLNRORD on its range of responsibilities are not reasonable given the current context (e.g. climate change, reconciliation, declining timber supply).
5. There are no easy decisions left on the land base; the sector is missing a framework where trade-off decisions are made at the right level within an overarching government policy context.
6. Significant strategic policy and legislative change is needed to improve integration across the sector.
7. Further progress on permitting is being impeded by the lack of a comprehensive service channel strategy, insufficient supports for SDMs, and legislative barriers.
8. Without investment in monitoring, compliance and enforcement, including cumulative effects, there is continued risk to the sector's effective management of natural resources.

# Phase I: Assessment

## Overall Findings - Challenges

### *Current and Desired Levels of Integration*

How far down the path of integration is the sector today? Where does it need to be?



*Reconciliation: a focus on how we work and translating this into action for staff.*

*Climate Change: an ongoing priority for action and reporting requiring sustained attention.*

The work from the assessment was a critical input into design phase and the changes

### Overall Findings – Current Strengths

- There has been significant cultural shift in the NRS around the need for reconciliation. Some Indigenous peoples are indicating an increased openness from governments.
- The relationships that some staff have developed with First Nations and communities have allowed delivery of better solutions and outcomes. There is a desire among staff to continue and build upon this.
- During the pandemic, the NRS was successful in adapting service delivery and leveraging operational strengths to implement new programs and strategies.
- Staff remain engaged and work hard to deliver on a wide range and depth of priorities.
- Increased collaboration and collegiality at the Executive level across the sector and a sense of working together.
- Improvements in timelines for permits in FLNROD overall, and improved coordination through bundled permitting projects and in major projects ("one project one process").
- Progress towards integrated resource management provides the foundation to advance co-management and shared decision-making with First Nations.
- Foundational building blocks are in place to leverage going forward. Examples include cumulative effects monitoring and assessment, Collaborative Stewardship Forums, and integrated decision making.

DRAFT AND CONFIDENTIAL

## FINDINGS

### Overall Findings – Challenges

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2. The significant focus, attention, and resourcing needed to achieve the magnitude of the transformation envisioned for the forestry sector cannot be underestimated.
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### Overall Findings - Challenges

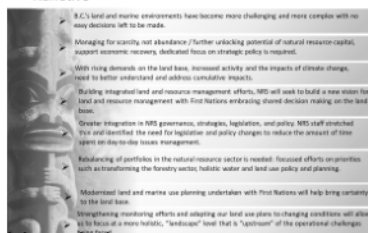
### Current and Desired Levels of Integration

How far down the path of integration is the sector?

Every dance



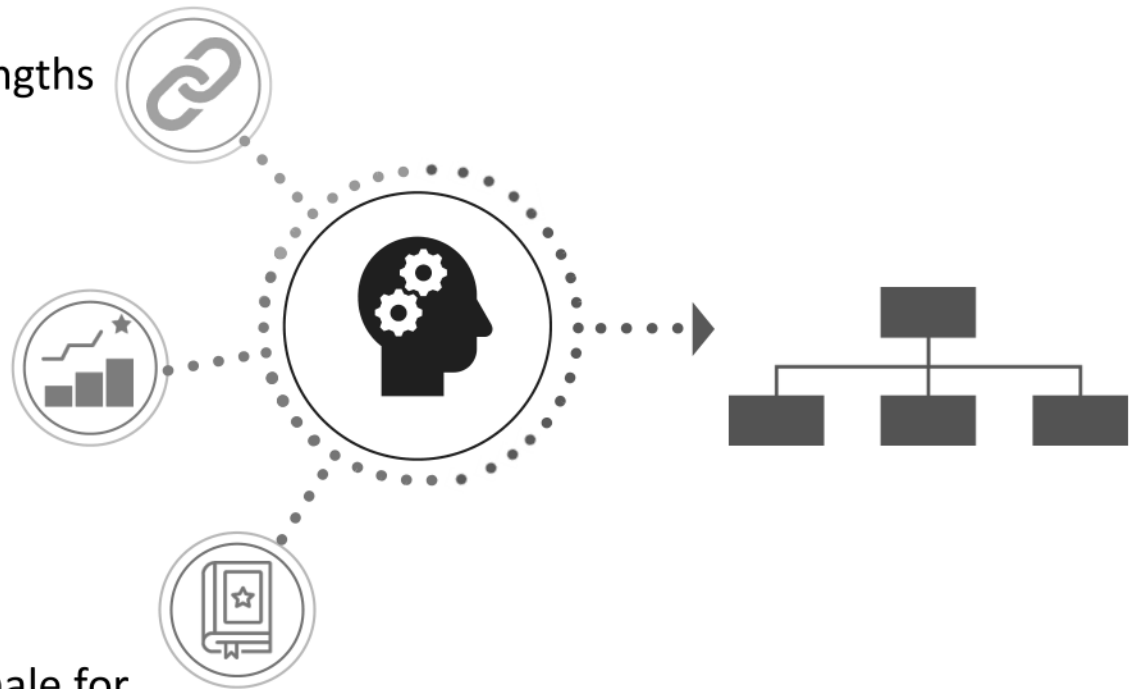
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## Challenges

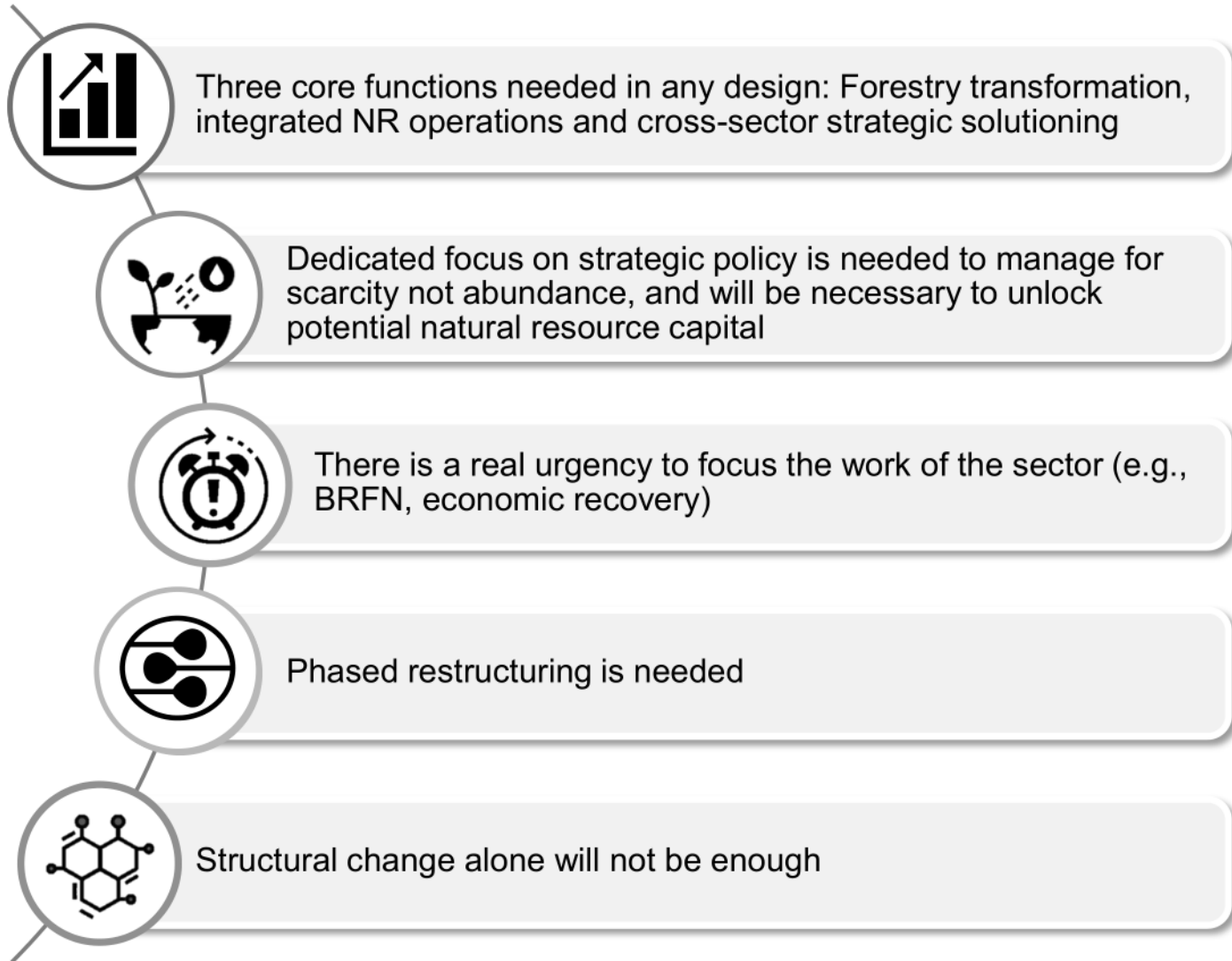
## Strengths

## Rationale for Change



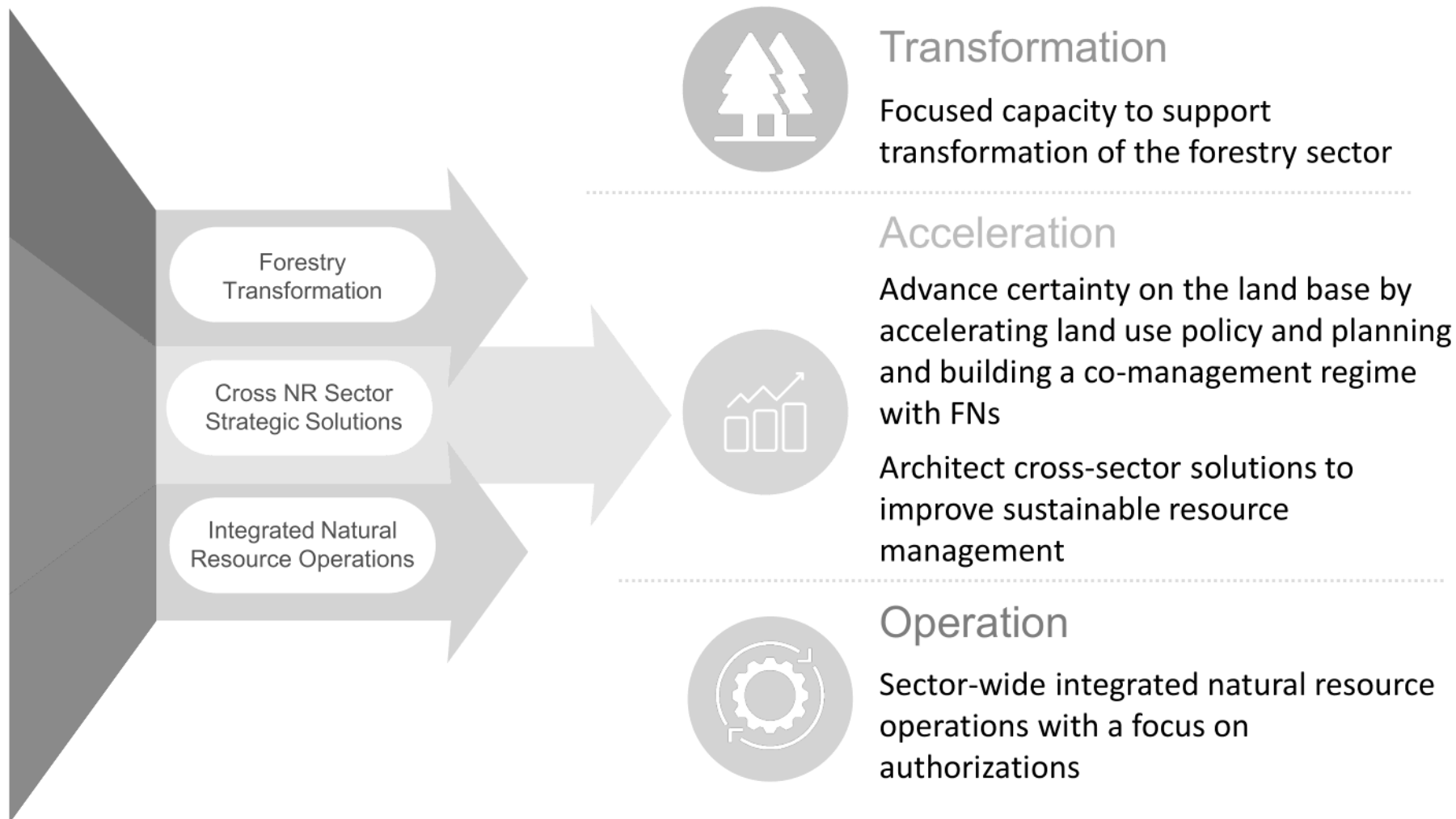
# Design work highlighted

## 5 Strategic Imperatives



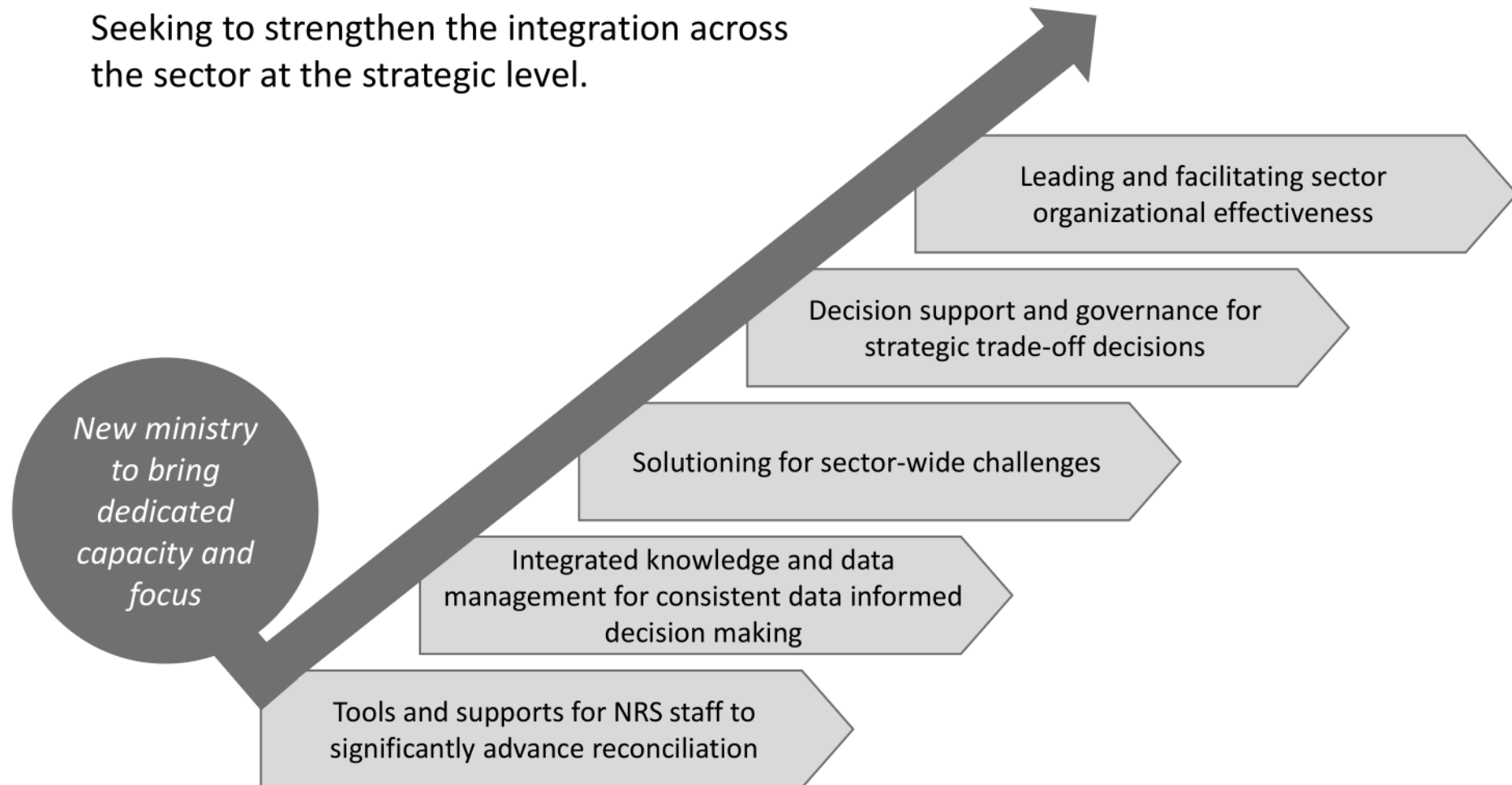
# Strategic Imperative 1:

## Three **key functions** required

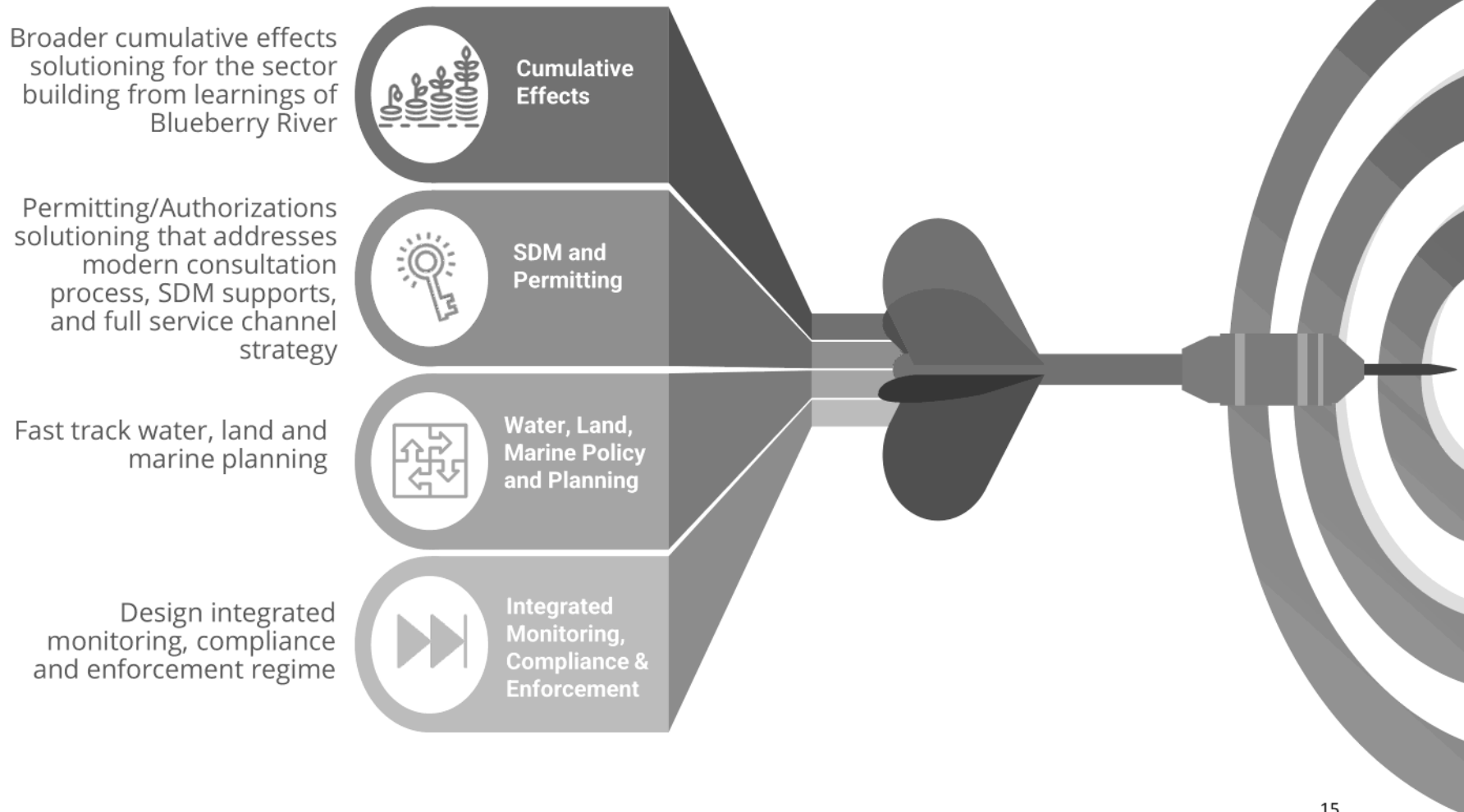


## Strategic Imperative 2: Dedicated focus to **accelerate** sector work

Seeking to strengthen the integration across the sector at the strategic level.



# Strategic Imperative 3: Getting focused **on strategic priorities**



# Strategic Imperative 4:

## A phased approach to restructuring

- Building a new Ministry will require:
  - Realignment of existing resources
  - Additional staffing and program resourcing
  - Engagement of First Nations to co-design a co-management regime and the future model/structure needed to support it
  - Realignment of legislation and mandate initiatives
- Creation of an NR Sector vision built with First Nations and other partners that will ensure sustainable resource management
- In 18 – 24 months review to determine if further restructuring / refinement is needed

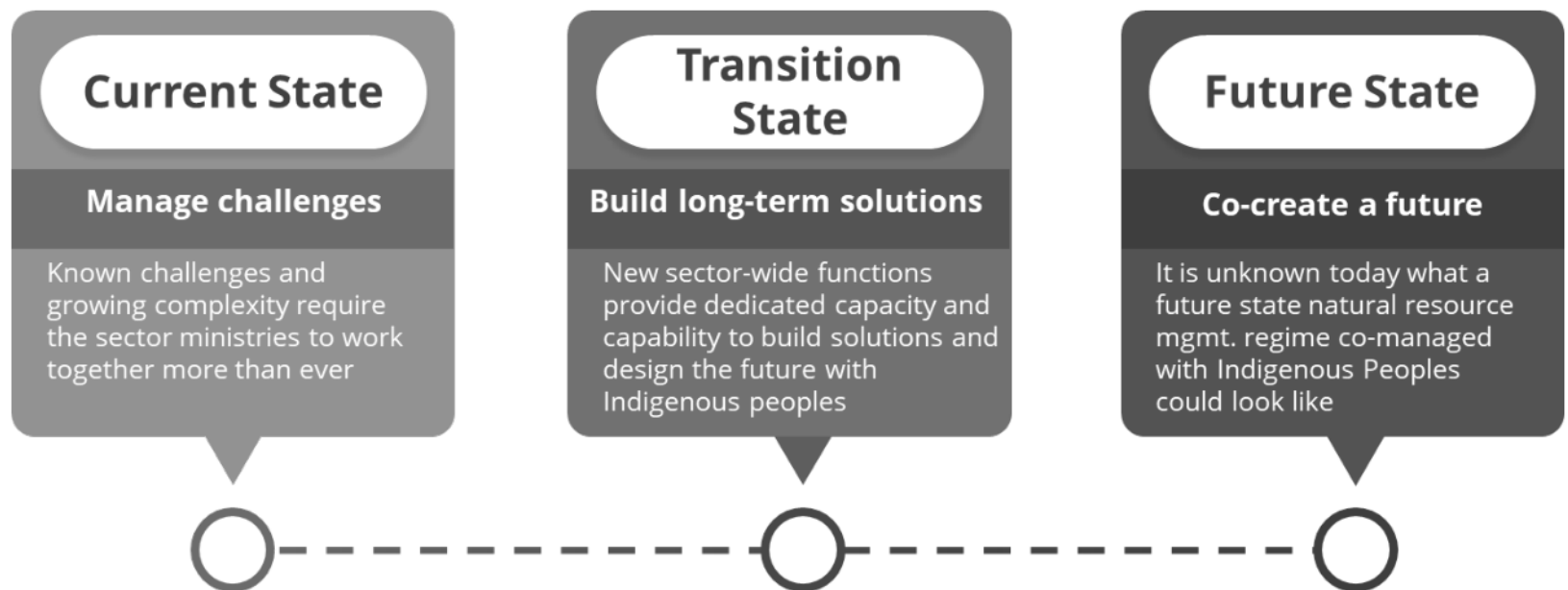


# Strategic Imperative 4:

## Building a **transition state**

There is a need for dedicated capacity to solution for complex challenges and co-design with Indigenous peoples the path forward.

A step wise approach will allow the sector to establish key functions to do this work and bring forward immediate and durable long term solutions.



# Strategic Imperative 5:

Structural change alone will not be enough; focus needed on **all 4 elements of organizational effectiveness**

## 1. Governance & Strategy

- NRS lacks a unifying vision and sector-wide enabling mandate deliverables
- Governance bodies, including those with First Nations, need to be strengthened
- Integration needed beyond simply decision-making
- Significant legislative change is needed

## 2. Organizational Structure

- Complex and cross-cutting topics often lack clear accountability in the current NRS structure (e.g., water, reconciliation)
- Missing an organization to support effective sector-level solutioning
- To address the overall findings, FLNRORD's current structure is insufficient
- Depth and breadth of regional ADM and some ED portfolios is challenging to manage

- Appetite for further permitting improvements, gains harder to achieve, means overarching service channel strategy is needed
- Need to strengthen the transitions from policy development to implementation, and outcomes evaluation
- More coordination and collaboration is needed to inform a provincial position on federal matters
- Forums for strategic collaboration across ministries missing
- Burned by NRPP, I/KMIT is not prioritized today by the NRS

## 3. Systems & Processes

- Highly engaged, dedicated, and passionate NRS workforce
- Further mindset shift and skills needed to advance reconciliation; staff are asking for more guidance
- Modest increases in capacity have not offset high workload volumes and complexity; staff are under pressure
- Gaps in both capacity and capability surfaced (e.g., strategic policy)

## 4. People and Resources



# Overview of Organizational Changes

# Why create a new ministry?

- This is a natural evolution of land and resource management in BC, that builds on progress already made.
- In the absence of effective land use policy, social trade-off decisions today are being made on a permit by permit basis rather than at the landscape level by appropriate decision makers.
- With rising demands on the land base, increased resource and recreational activity and the impacts of climate change, there is a need to better understand and address cumulative impacts and strengthen integration across the sector to mitigate, plan, respond and adapt.
- Natural Resource Sector is not set up to implement the Declaration Act and advance reconciliation in a meaningful way in which we seek to build a new vision for co-management on the land base that embraces shared decision making.
- While past integrated land and resource management efforts focused on business/systems processes, it is recognized that greater integration is needed in natural resource sector governance, strategies, legislation, and policy.
- B.C.'s land and marine environments have become more challenging and more complex. Unlike in the past, we are managing for scarcity, not abundance when it comes to our natural resources. Focused efforts are needed to further unlock the potential of our natural resource capital and support economic recovery.
- Rebalancing of portfolios in the natural resource sector supports the focused efforts necessary to transform the forestry sector, prioritize land use policy and planning and bring alignment to key strategic water responsibilities, ensuring a more holistic approach to resource management.

# Ministry of Land, Water and Resource Stewardship will be responsible for:

- Developing a path forward with First Nations to build a **co-managed land and resource management regime** that will ensure our natural resources are managed effectively now and in the future.
- Strengthening our commitment to **modernized land use policy and planning** and bring more certainty to investors, communities and First Nations by confirming social choice on the land base through inclusive processes. Ensure modernized land use plans are adaptive to changing climate and aligned with regional economic strategies.
- **Provincial leadership on water** policy and strategies including the coordination of government's "source to tap" strategy to protect drinking water, Coastal Marine Strategy, Watershed Security Strategy and Fund, and Wild Salmon Strategy.
- **Fisheries** and primary relationship with DFO.
- **Biodiversity and ecosystem health**, including provincial species at risk policy and program management.
- Developing a **provincial cumulative effects regime** tailored to regional circumstances.
- Modernize the **natural resources sector statutory framework and permitting processes** to ensure land-based permitting processes are transparent, timely and fair.

# Ministry of Land, Water and Resource Stewardship will be responsible for:

## **NRS Information, Innovation and Technology:**

- Connect the systems, tools and people to the transformative work taking place across the natural resource sector and increase the Province's capacity to manage for cumulative effects through integrated, science-based land, aquatic, resource, and geographic data.
- Accountable for providing resource and geographically based information and analysis to support timely, evidence-informed policy and ensuring that decision-makers have the best information available upon which to base their decisions.

## **Natural Resource Sector Secretariat:**

- Advances cross-sector organizational effectiveness
- Area Based Approach – ensuring alignment of provincial and regional priorities
- Progress reporting on effectiveness of sector

## **Corporate Services for the Natural Resource Sector:**

- Financial, strategic human resource, facilities and business continuity client and management services facilitating operational and strategic decision-making across the natural resource ministries.

## Other Key Restructuring Changes

| Program                                 | Ministry | Rationale   |
|---|----------|---|
| Recreation sites and trails to BC Parks | ENV      | Showcase operational recreational excellence throughout the province                          |
| Mountain Resorts and Heritage           | TACS     | Focus on adventure tourism, advocate for economic, social, recreation and tourism benefits    |
| Rural Development                       | JERI     | Lead the work with communities across the Province to diversify regional economic development |

# New Ministry of Forests

- Continues to focus efforts on modernizing forest policy and forest sector renewal by implementing key forest legislative, policies and practices such as Forest Landscape Planning and the recommendations of the Old Growth Strategy and become a strong advocate for the forest sector
- Recognizing inter-connected nature of range lands to forests and elevates range work to a new Forest and Range Sector Policy portfolio
- Continued responsibility for integrated decision making related to Crown Land, water, fish & wildlife, archaeology permits and authorizations and natural resource compliance and enforcement
- Ensures the province is well positioned to address natural hazards, by continuing to be responsible for BC Wildfire Service, Flood and Dike Management and the River Forecast Centre



# Restructuring By The Numbers

LWRS will bring together staff from several existing Natural Resource ministries and add a new complement of staff.

| Ministry  | Incoming Staff | Outgoing Staff | Net Change   | Staff Moving to LWRS |
|---|----------------|----------------|--------------|----------------------|
| <b>FLNRORD</b>  | 2              | 849            | <b>— 847</b> | 718                  |
| <b>ENV</b>  | 49             | 402            | <b>— 353</b> | 400                  |
| <b>EMLI</b>   | 0              | 6              | <b>— 6</b>   | 6                    |
| <b>AFF</b>  | 0              | 12             | <b>— 12</b>  | 12                   |
| <b>IRR</b>  | 0              | 5              | <b>— 5</b>   | 5                    |
| <b>JERI</b>   | 39             | 0              | <b>+ 39</b>  | 0                    |
| <b>TACS</b>   | 40             | 0              | <b>+ 40</b>  | 0                    |
| <b>LWRS</b>   |                |                |              | 90 net new           |
| <b>Total for New Ministry</b>   |                |                |              | <b>1,231</b>         |
| TB Approval for 99 new positions (incl. MO, GCPE: 9 total). Program funding expansion will be sought during 2022-23 budget cycle. |                |                |              |                      |

# Ministry of Land, Water and Resource Stewardship and Minister Responsible for Fisheries

Deputy Minister  
Land, Water and Resource  
Stewardship  
**LORI HALLS**



Assistant Deputy Minister  
Land Use Policy &  
Planning, and Terrestrial  
Ecosystems

**DAVID MUTER**

Assistant Deputy Minister  
Watershed, Aquatic  
Ecosystems, Fisheries and  
Coastal Policy and  
Planning

**JAMES MACK**

A/Assistant Deputy  
Minister  
Information, Innovation  
& Technology

**ANDREW CALARCO**

Assistant Deputy Minister  
Reconciliation and  
Natural Resource Sector  
Policy

**VACANT**

A/Assistant Deputy  
Minister and EFO  
Corporate Services  
(to LWRS + FOR)

**SONJA MARTINS**

Executive Lead  
NRS Secretariat

**VACANT**

Executive Lead  
Blueberry River / T8,  
Cumulative Effects  
Solutioning

**MORGAN KENNAH**

Executive Lead  
Permitting / Statutory  
Decision Making  
Solutioning

**VACANT**

# Ministry of Forests

Deputy Minister

**RICK MANWARING**



A/Associate Deputy  
Minister

**EAMON O'DONOGHUE**

Assistant Deputy Minister  
Chief Forester

**DIANE NICHOLLS**

Assistant Deputy Minister  
Forest and Range Sector  
Policy

**MELISSA SANDERSON**

A/Assistant Deputy  
Minister  
North

**MIKE HYKAWAY**

A/Assistant Deputy  
Minister  
South

**GERRY MACDOUGALL**

Assistant Deputy Minister  
Integrated Resource  
Operations

**MATT AUSTIN**

Executive Lead  
Forest Renewal Initiative

**LORIE HRYCUIK**

Assistant Deputy Minister  
Coast

**SARAH FRASER**

# Ministry of Environment and Climate Change Strategy

Deputy Minister

**KEVIN JARDINE**



Associate Deputy  
Minister  
Environmental  
Assessment Office  
**ELENORE AREND**

Assistant Deputy Minister  
BC Parks, Recreation Sites  
and Trails

**JIM STANDEN**

Assistant Deputy Minister  
Environmental Protection

**LAUREL NASH**

Assistant Deputy Minister  
Climate Action  
Secretariat

**JEREMY HEWITT**

A/Assistant Deputy  
Minister  
Environmental  
Assessment Office

**MIKE SHEPARD**

Executive Lead  
Compliance and  
Enforcement

**VACANT**

Lead  
Strategic Services  
(Band 6)

**VACANT**

# Ministry of Agriculture and Food

Deputy Minister

**PETER POKORNY**



Assistant Deputy Minister  
Agriculture Resource  
Division

**ARIF LALANI**

Assistant Deputy Minister  
Agriculture, Science and  
Policy

**JENNIFER MCGUIRE**

A/Assistant Deputy  
Minister and EFO  
Corporate Services  
(to AF, ENV, EMLI, IRR)

**RANBIR PARMAR**

# Ministry of Energy Mines and Low Carbon Innovation

Deputy Minister

**FAZIL MIHLAR**



Assistant Deputy Minister  
Electricity and Alternative  
Energy

**LES MACLAREN**

Assistant Deputy Minister  
LNG Canada  
Implementation  
Secretariat

**DEBORAH BOWMAN**

Assistant Deputy Minister  
Mines, Competitiveness  
and Authorizations

**PETER ROBB**

A/Assistant Deputy  
Minister  
Mines Health, Safety and  
Enforcement

**TANIA DEMCHUK**

Assistant Deputy Minister  
Oil and Gas

**NATHANIEL AMANN-  
BLAKE**

Assistant Deputy Minister  
Strategic and Indigenous  
Affairs

**SIMON COLEY**

Executive Lead  
Woodfibre  
Implementation Group

**SUZANNE MANAHAN**

# Ministry of Indigenous Relations and Reconciliation

Deputy Minister

**DOUG CAUL**



Assistant Deputy Minister  
Reconciliation  
Transformation and  
Strategies

**JESSICA WOOD**

Assistant Deputy Minister  
Strategic Partnerships  
and Initiatives

**JENNIFER MELLES**

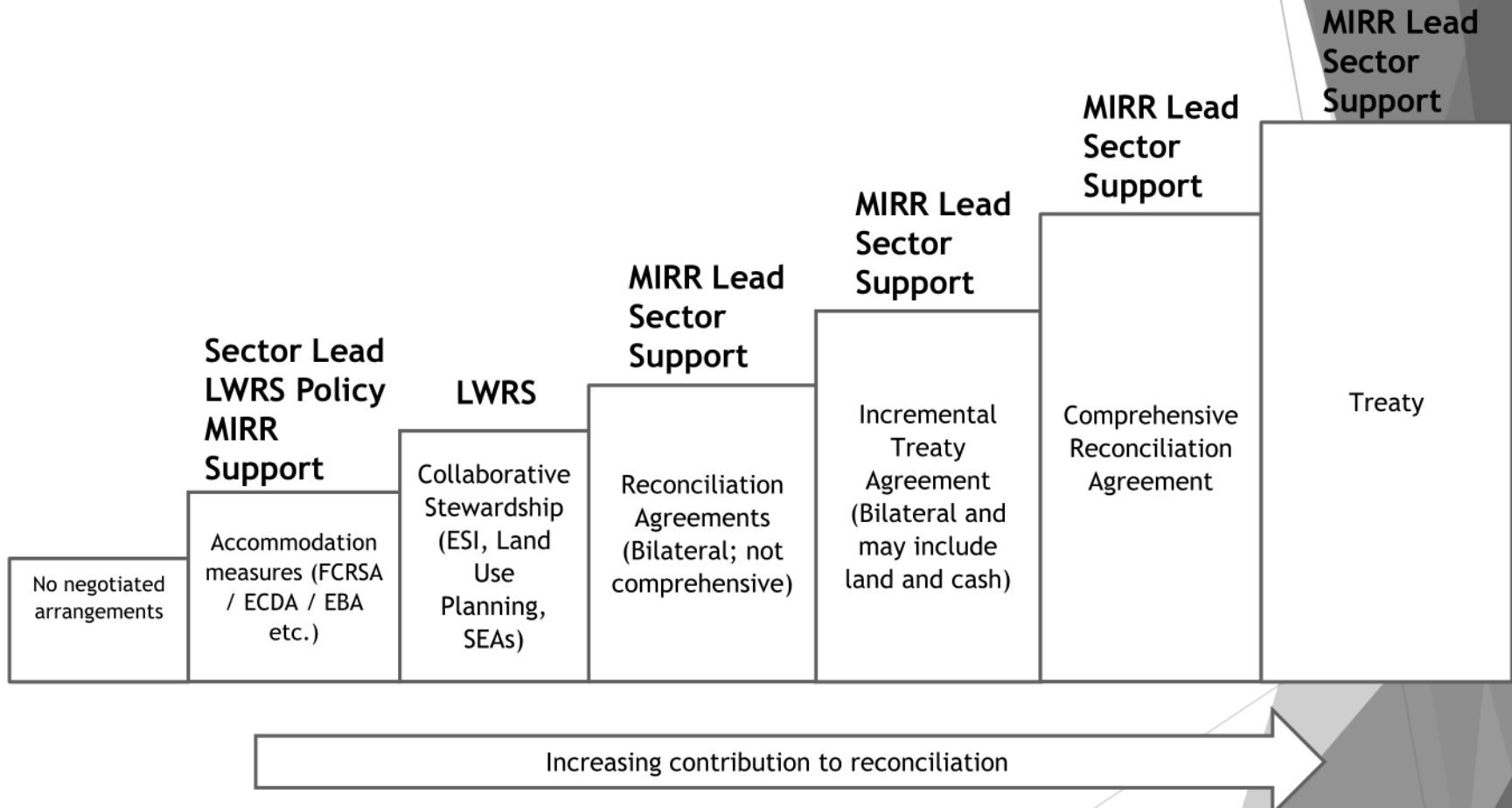
Assistant Deputy Minister  
Negotiations and  
Regional Operations

**TOM MCCARTHY**

Executive Lead  
New Fiscal Relationship

**RICHARD PURNELL**

# The Incremental Pathway



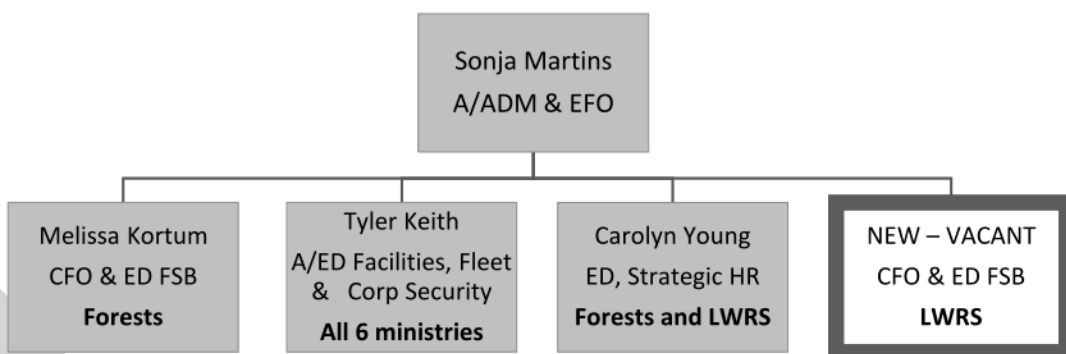


# Corporate Services for the Natural Resource Ministries

## Executive Summary of Changes

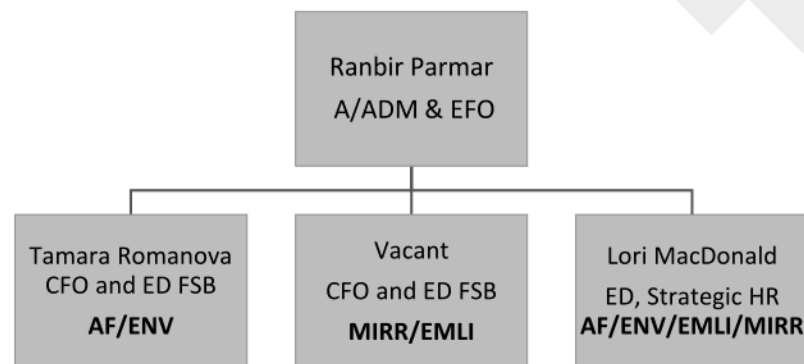
- ✓ Financial services realignment
- ✓ CSB is renamed Facilities, Fleet and Corporate Security
- ✓ Net new positions - financial services and Strategic HR
- ✓ Internal realignments to adapt to support six ministries

### FORESTS/ LWRS



*dotted line reporting to Ranbir Parmar for  
AFF/ENV/EMLI/MIRR*

### AF / ENV / EMLI / MIRR



**Vision:** Trusted partners sharing in the success of the Natural Resource Ministries

**Mission:** We provide leadership and deliver quality corporate services to enable the Natural Resource Ministries to achieve their goals

**Services:** Financial / Compliance & Procurement / Facilities / Fleet & Assets / Corporate Security / Strategic Human Resources

# Ministry of Jobs, Economic Recovery and Innovation

Deputy Minister

**BOBBI PLECAS**



Associate Deputy  
Minister  
Investment and  
Innovation

**JAMES HARVEY**

Assistant Deputy Minister  
Office of Mass Timber  
Implementation

**JEFF VASEY**

Assistant Deputy Minister  
Small Business and  
Economic Development

**CHRIS RATHBONE**

Assistant Deputy Minister  
Trade and Industry  
Development

**KERRY PRIDMORE**

ADM, Innovation,  
Technology  
& Investment Capital

**TIM LESIUK**

Assistant Deputy Minister  
& EFO (for JERI & LBR)  
Management Services

**JOANNA WHITE**

Executive Lead  
Economic Restart

**DAVID GREER**

# Ministry of Tourism, Arts, Culture and Sport

Deputy Minister

**NEILANE MAYHEW**



Assistant Deputy Minister  
Tourism Sector Strategy

**NICK GRANT**

Assistant Deputy Minister  
Arts and Culture

**CLAIRE AVISON**

Assistant Deputy Minister  
and EFO  
Management Services

**ALANA BEST**

A/Assistant Deputy  
Minister  
Sport and Creative Sector

**KIM LACHARITE**

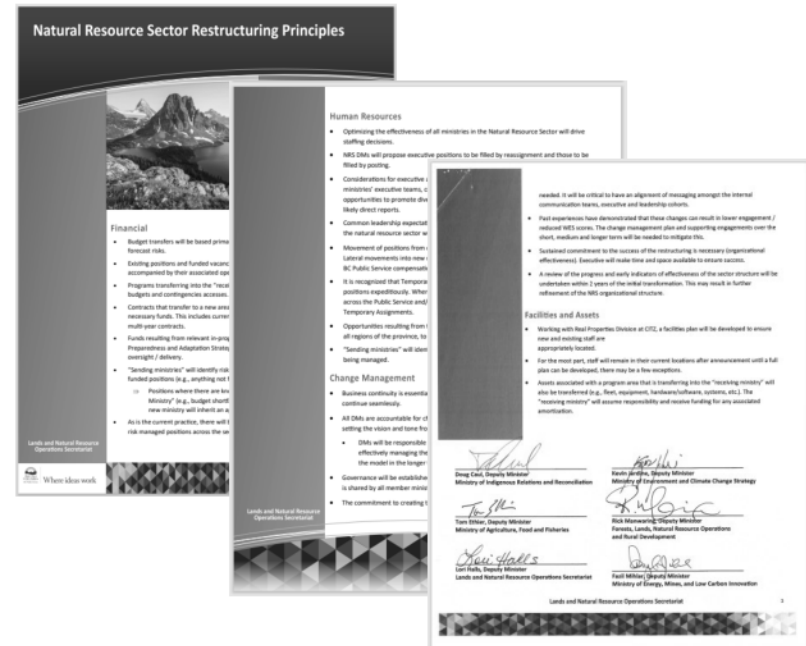


Restructuring...

# NRS Restructuring Principles

The Design and Implementation Phases were guided by a set of NRS Restructuring Principles agreed to by all NRS Deputy Ministers

There were four groups of principles established:



Financial

Human  
Resources

Change  
Management

Facilities &  
Assets

# Key Transition Activities:

- Technical Refinement
- Staffing Strategy
- Transition Briefings
- Communication/Change Management Initiated

# How will this roll out?

- ▶ February 22, 2022
  - ▶ New Ministry of Land, Water and Resource Stewardship established
  - ▶ Budget 2022 reflects new ministry and all other changes
- ▶ February 25
  - ▶ New minister appointed and sworn in
  - ▶ Deputy Minister of new ministry appointed
  - ▶ Assistant Deputy Ministers appointed with an effective date of April 1
- ▶ March - April
  - ▶ New minister signs service plan for the Ministry of Land, Water and Resource Stewardship by March 11
  - ▶ Minister's Office staff and GCPE are set up
  - ▶ Transition briefings
  - ▶ First Nations and stakeholder meetings
- ▶ April 1
  - ▶ All duties of new ministry take effect

## MINISTRY PROFILE

## Ministry:

The Ministry of Land, Water and Resource Stewardship (LWRS) is accountable for integrated land and natural resource management, including objective setting for land and marine environments, effectively managing cumulative effects, and advancing reconciliation with Indigenous peoples, environmental sustainability, and economic growth. LWRS is focused on lasting and meaningful reconciliation, equity and anti-racism, sustainable economic growth that works for everyone, and a better future through fighting climate change.

## Ministry Mandate:

The Ministry's mandate is to support and enable cross-sector integrated strategic decision-making and provide a pathway to advancing and balancing Indigenous reconciliation, economic activity, and environmental sustainability. The Ministry will direct sector resources to issues that need sustained attention, to the solutioning of sector-wide challenges and to advancing dedicated sector-wide policy. LWRS will advance cross-sector solutioning for cumulative effects management and permitting and authorizations, as well as provide Secretariat support for effective governance in the sector.

LWRS works to develop a path forward with First Nations to build a co-managed land and resource management regime that will ensure our natural resources are managed effectively now and in the future. Additionally, the Ministry holds a commitment to modernized land use policy and planning and bringing more certainty to investors, communities, and First Nations by confirming social choice on the land base through inclusive processes. As part of this commitment, the ministry will ensure modernized land use plans are adaptive to a changing climate and aligned with regional economic strategies.

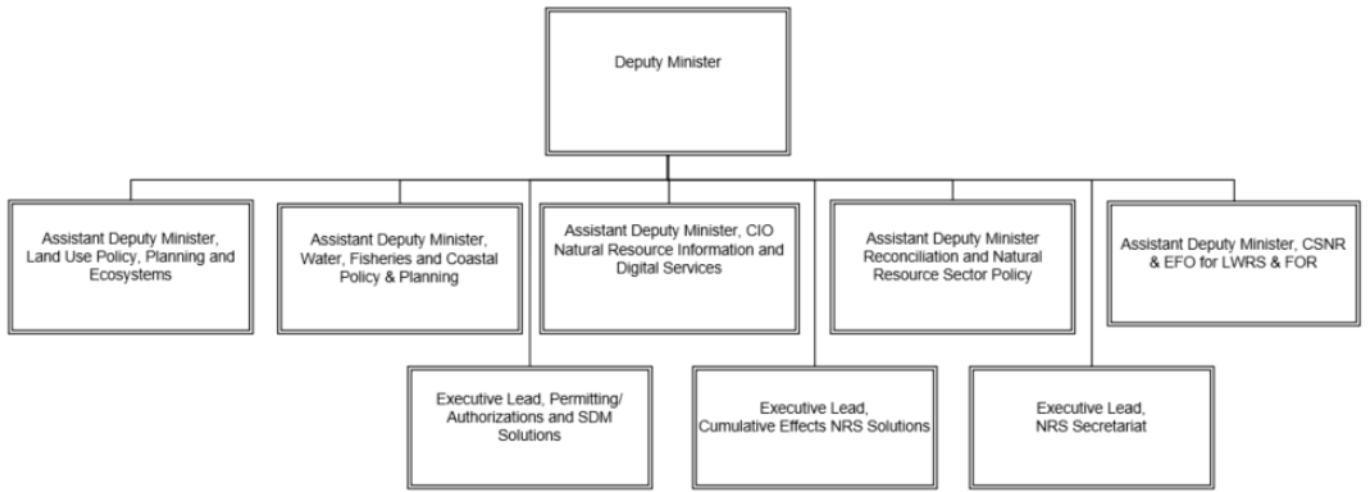
LWRS will provide Provincial leadership on water policy and strategies including the coordination of government's "source to tap" strategy to protect drinking water, Coastal Marine Strategy, Watershed Security Strategy and Fund, and Wild Salmon Strategy. The Ministry will consolidate the Province's efforts in Fisheries and take primary responsibility for the relationship with Fisheries and Oceans Canada. Furthermore, LWRS will lead biodiversity and ecosystem health initiatives, including provincial species at risk policy and program management. In this way, the Ministry will connect the systems, tools and people to increase the Province's capacity to manage for cumulative effects, support timely, evidence-informed policy and decisions through integrated, science-based land, aquatic, resource, and geographic data.

## Full Time Equivalents (FTEs):

| Division   | FTEs         |
|--|--------------|
| Corporate Services for the Natural Resource Ministries | 346          |
| Cross Sector Solutions                                 | 34           |
| Deputy Minister's Office                               | 10           |
| Land Use Policy, Planning and Ecosystems               | 283          |
| Natural Resource Information and Digital Services      | 439          |
| Natural Resource Sector Secretariat                    | 21           |
| Reconciliation and Natural Resource Sector Policy      | 18           |
| Water Fisheries and Coastal Policy and Planning        | 88           |
| <b>Total</b>   | <b>1,239</b> |



Executive Organizational Chart:



Budget:

| Core Business Area   | 2021/22<br>Restated<br>Estimates <sup>1</sup> | 2022/23<br>Estimates | 2023/24<br>Plan | 2024/25<br>Plan |
|--|---|----------------------|-----------------|-----------------|
| <b>Operating Expenses (\$000)</b>  |   |                      |                 |                 |
| Land Use Policy, Planning and Ecosystems                                 | 42,031  | 43,063               | 43,717          | 43,717          |
| Water, Fisheries and Coastal Policy and Planning                         | 5,998   | 6,831                | 7,415           | 7,415           |
| Natural Resource Information and Digital Services                        | 21,828  | 18,785               | 21,985          | 21,985          |
| Reconciliation and Natural Resource Sector Policy                        | 497   | 1,835                | 2,776           | 2,776           |
| Natural Resource Sector Secretariat                                      | 3,836   | 6,088                | 6,389           | 6,389           |
| Executive and Support Services   | 7,818   | 15,406               | 16,786          | 16,786          |
| <b>Total</b>   | <b>82,008</b>                                 | <b>92,008</b>        | <b>99,068</b>   | <b>99,068</b>   |
| <b>Ministry Capital Expenditures (Consolidated Revenue Fund) (\$000)</b> |   |                      |                 |                 |
| Executive and Support Services   | 0   | 245                  | 0               | 0               |
| <b>Total</b>   | <b>0</b>                                      | <b>245</b>           | <b>0</b>        | <b>0</b>        |
| <b>Other Financing Transactions (\$000)</b>                              |   |                      |                 |                 |
| <b>Total Receipts</b>  | <b>0</b>                                      | <b>0</b>             | <b>0</b>        | <b>0</b>        |
| <b>Total Disbursements</b>   | <b>0</b>                                      | <b>0</b>             | <b>0</b>        | <b>0</b>        |
| <b>Total Net Cash Requirements (Source)</b>                              | <b>0</b>                                      | <b>0</b>             | <b>0</b>        | <b>0</b>        |

<sup>1</sup> For comparative purposes, amounts shown for 2021/22 have been restated to be consistent with the presentation of the 2022/23 Estimates.

## Land Use Policy, Planning and Ecosystems

ADM Responsible: David Muter

## Core Business/ Program Area Description/Critical Business Processes:

The Land Use Policy, Planning and Ecosystems Division (LUPPE) is responsible for leading BC's land management strategies to ensure that land use decisions support the province's goals for reconciliation with Indigenous Nations, environmental sustainability and economic growth. This includes leading regional land use and reconciliation forums including:

- Advancing land use objectives and habitat management strategies that guide tactical and operational activities
- Monitoring and reporting on ecosystem conditions and cumulative effects in partnership with First Nations
- Leading species at risk recovery

LUPPE is responsible for delivering the following programs:

- Modernized Land Use Planning delivered in partnership with Indigenous Nations
- Collaborative Indigenous Stewardship Forums
- Together for Wildlife Strategy
- Cumulative Effects monitoring reporting and recommendations
- Species at Risk Recovery and the Provincial Caribou Recovery Program
- Advancing Ecosystem Health as an overarching priority for the Natural Resource sector (Recommendation #2 from the Old Growth Strategic Review)
- Chairing Regional Management Committees

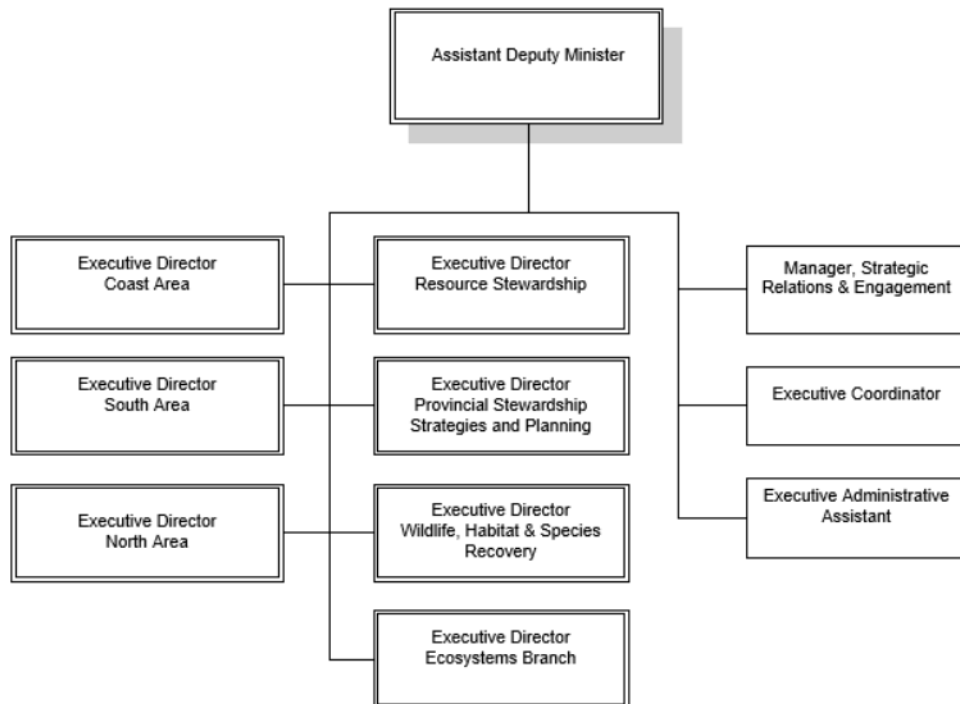
Budget: \$43.063M.

Full Time Equivalents (FTEs): 283 (headcount as of October 1, 2022)

Related Legislation: This division is responsible for the following Acts (and portions of Acts):

- Flathead Watershed Area Conservation Act
- Forest and Range Practices Act (Sections: 141, 143, 149 – 150.5)
- Land Act (Part 7.1)
- Muskwa-Kechika Management Area Act
- Skagit Environmental Enhancement Act
- Wildlife Act (Sections: 6, 108(2)(a))

**Organizational Chart:**



## Water, Fisheries and Coastal Policy and Planning

ADM Responsible: James Mack

### Core Business/ Program Area Description/Critical Business Processes:

The Water, Fisheries and Coastal Policy & Planning Division is responsible for provincial leadership on water. This includes providing provincial oversight and coordination of government's strategy on source to tap protection and management, including drinking water. The division sets provincial water policy, sets water quality and sustainability related objectives, and is responsible for aquatic habitat management.

The division sets fisheries and aquaculture policy, and supports wild fish populations and coastal resources and communities through integrated marine planning and management.

The division is also responsible for the following programs:

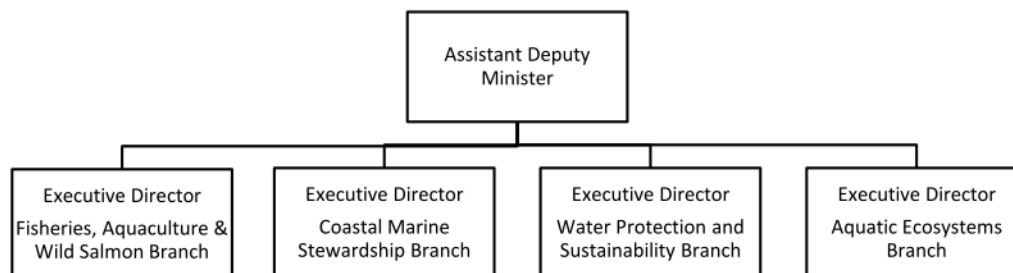
- Watershed Security Strategy and Fund
- Coastal Marine Strategy
- Wild Salmon Strategy
- BC Salmon and Restoration Fund

Budget: \$6.831M

Full Time Equivalents (FTEs): 88 (headcount as of October 1, 2022)

Related Legislation: This division is responsible for the following Sections of the Water Sustainability Act: Sections 43; 64 – 85; 115 (1) (a) and (h), (2) and (3); 132

### Organizational Chart:



## Reconciliation and Natural Resource Sector Policy Division

ADM Responsible: Colin Ward

### Core Business / Program Area Description / Critical Business Processes:

The Reconciliation and Natural Resource Sector Policy Division provides leadership in developing a “roadmap” for the natural resource sector to support the effective operationalization and implementation of the *Declaration on the Rights of Indigenous Peoples Act*, including working with the Declaration Act Secretariat on the alignment of natural resource sector laws and development of sector-specific tools and supports to advance reconciliation more effectively (e.g., policy, legislation, processes, etc.). This will include co-developing a foundation for co-management and shared decision making with Indigenous governments.

Some of the primary objectives of the Reconciliation and Natural Resource Sector Policy Division includes:

- Strategic land and resource reconciliation policy / frameworks including:
  - Governance/co-management of lands and resources
  - Engagement
- Cross-sector policy development
- Legislation co-ordination across sector / alignment of NRS laws
- Co-ordinating today’s efforts and building future legislative and policy frameworks for cumulative effects, shared decision making and climate change

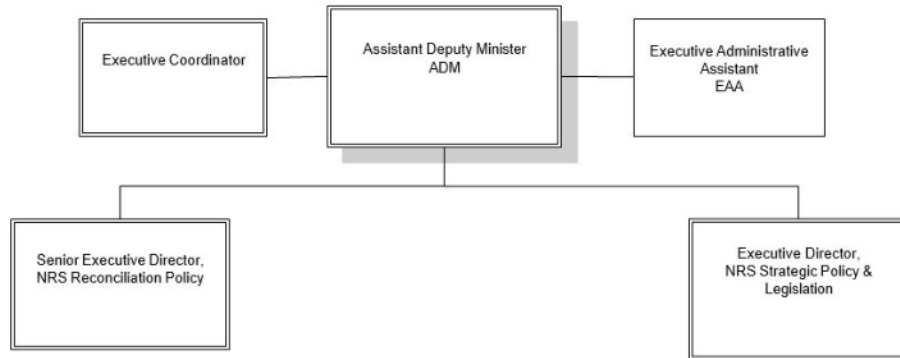
The division is comprised of the Office of the Assistant Deputy Minister, the Reconciliation Policy Branch, and the Strategic Policy and Legislation Branch.

Budget: \$1.835M.

Full Time Equivalent (FTEs): 18 (headcount as of October 1, 2022)

Related Legislation: Although the division does not have direct responsibility for any piece of legislation, one of the primary objectives of the division is the alignment of NRS laws and consequently will work very closely with all divisions across the sector with responsibility for different NRS laws to achieve that objective.

## Organizational Chart:



## Corporate Services for the Natural Resource Ministries

ADM Responsible: Sonja Martins (FOR and LWRS) and Ranbir Parmar (AF, EMLI, ENV and MIRR)

Core Business/ Program Area Description/Critical Business Processes:

Corporate Services for the Natural Resource Ministries (CSNR) provides services for approximately 7,000 employees in the natural resource ministries in over 100 locations throughout the province. CSNR serve the following ministries:

- Agriculture and Food (AF)
- Energy, Mines and Low Carbon Innovation (EMLI)
- Environment and Climate Change Strategy (ENV)
- Forests (FOR)
- Indigenous Relations and Reconciliation (MIRR)
- Land, Water and Resource Stewardship (LWRS)

CSNR Services:

### Facilities, Fleet & Corporate Security

- Facilities – Workspace accommodation, project and issue management for all six natural resource ministries
- Fleet and Assets – Planning, analysis, reporting, maintenance and procurement for AF, ENV, FOR and LWRS
- Risk and Corporate Security – Planning, response and recovery assistance for business disruptions and physical security issues for all six natural resource ministries

### Financial Services

- Budgeting, forecasting and financial analysis/reporting and support; expenditure, revenue management and recovery processing and reporting
- Financial planning and reporting
- Financial operations
- Accounting
- Financial systems and data entry
- Financial policy, compliance and procurement

### Strategic Human Resources

- Leadership Development
- Health & Well-being
- Change Leadership
- Workforce Planning
- Diversity & Inclusion
- Employee Engagement
- Recruitment Strategy
- Workforce Intelligence & Research
- Culture & Engagement



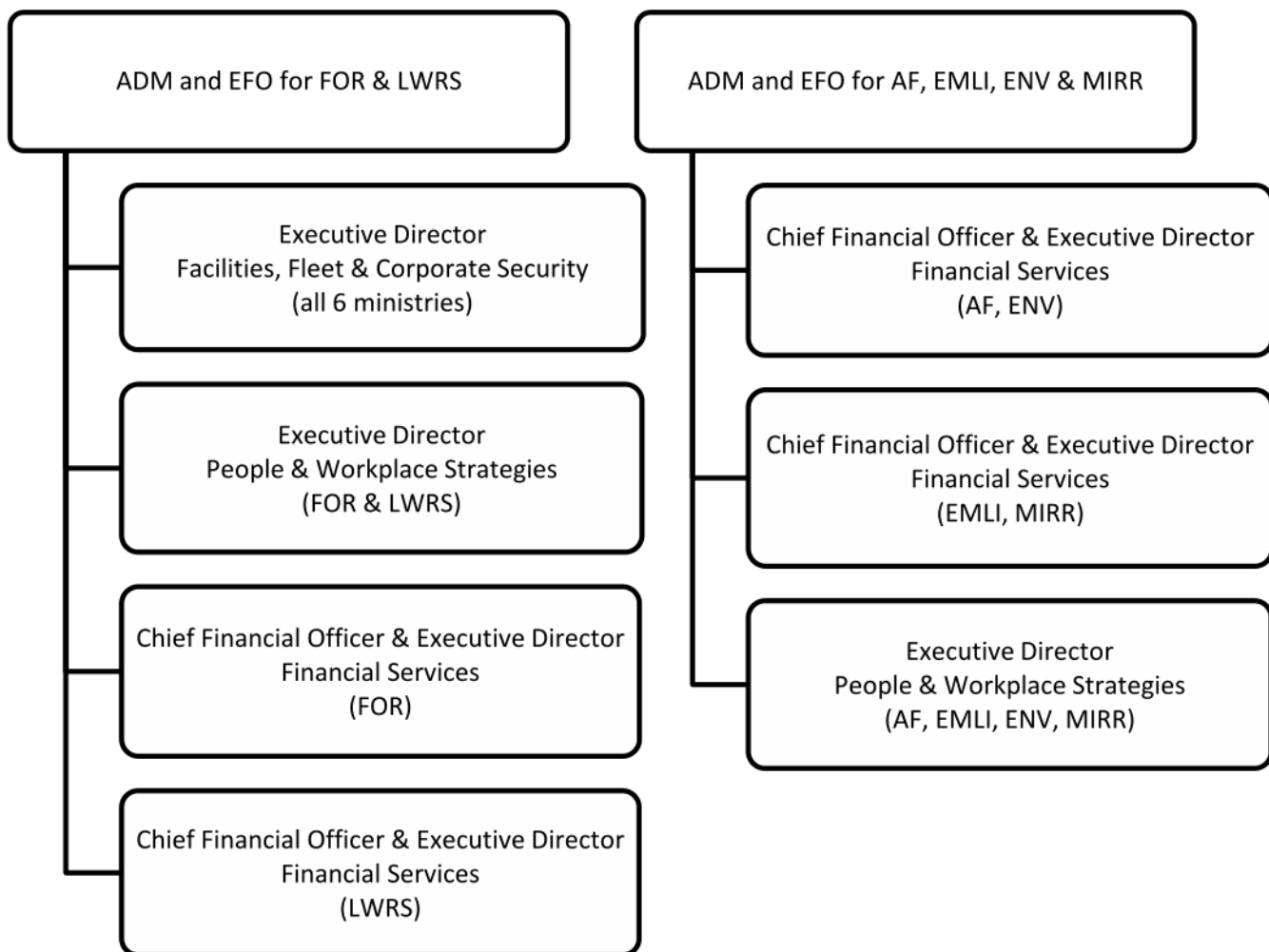
- Learning & Development

Budget: \$4.945M (total expenses \$29.98M minus total recoveries \$25.042M)

Full Time Equivalents (FTEs): ~~34~~36 (headcount as of October 1, 2022)

Related Legislation: N/A

Organizational Chart:



## Natural Resource Information and Digital Services

ADM Responsible: Andy Calarco

Core Business/Program Area Description/Critical Business Processes:

Natural Resource Information and Digital Services (NRIDS) is the technology and foundational Information, visualization, and analytics partner to all six Natural Resource Ministries (NRM). NRIDS is accountable for all aspects of Information Management & Information Technology (IMIT) operations, maintenance, and technological direction in support of the NRMs. NRIDS delivers the full range of technology services to support existing NRM business systems as well as the development of new computer applications to deliver on government objectives. This centralized service function also includes providing advice, guidance, and investment recommendations for all aspects of IMIT critical to the operations of the NRMs.

In addition to providing the foundational IMIT supports, NRIDS also provides services and tools that allow the B.C. government, partner agencies, and citizens to create, access, and use provincial geographic information for effective delivery of government programs and initiatives including emergency response and management services, natural resource stewardship and conservation efforts, economic development activities, and First Nations negotiation. NRIDS manages authoritative species and ecosystems information, critical conservation data and inventories, and provides critical stewardship, conservation and resource management supports.

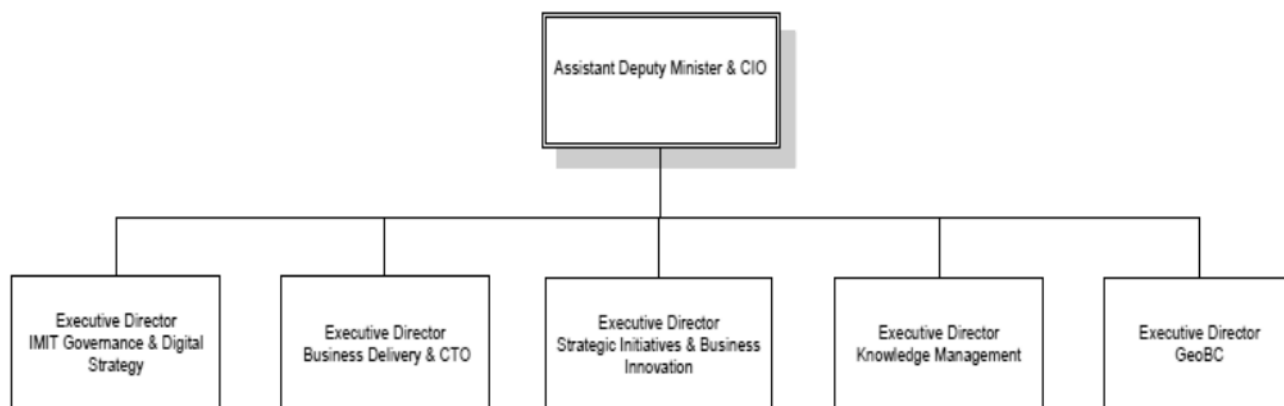
NRIDS also delivers key supports for critical infrastructure which includes the management and operations of all technology requirements in fire camps during wildfire season, as well as maintenance and operations of the provincial radio tower network and handheld devices – all of which are essential to any emergency response activity and all field operations for the NRM.

Budget: \$18.785M

Full Time Equivalents (FTEs): 439 (headcount as of October 1, 2022)

Related Legislation:     Land Act Part 1 – Section 6  
                                     Land Act Part 1.1 – Section 7.2

Organization Chart:



## Natural Resource Sector Secretariat

ADM Responsible: Susan Mader, Executive Lead

Core Business/ Program Area Description/Critical Business Processes:

The NRS Secretariat works across B.C.'s six natural resource ministries [AGRI, ENV, EMLI, FOR, LWRS, MIRR] to improve sector-wide governance, reporting, economic analysis and communications to support greater collaboration and integration as a natural resource sector.

NRS Secretariat Services:

**Reporting, Economic Analysis and Insights:** Advances the adoption of a consistent, integrative approach to socio-economic analysis; enhances integrated information on public investments in the land base; and facilitates a collaborative sector approach to research relevant to the natural resource sector. The branch also identifies opportunities for enhanced reporting including through collaborating on existing reports and developing new sector-focused reporting models.

**Communications and Change Management:** Leads the development, implementation and evaluation of sector-wide organizational effectiveness strategies including communication and engagement strategies. Creates staff engagement opportunities and fosters interconnection within LWRS and across the sector. Reinforces the vision of the natural resource sector and identifies opportunities to promote and highlight collaboration. Fosters an organization that embraces diversity and inclusion and promotes learning opportunities focused on reconciliation with Indigenous Peoples.

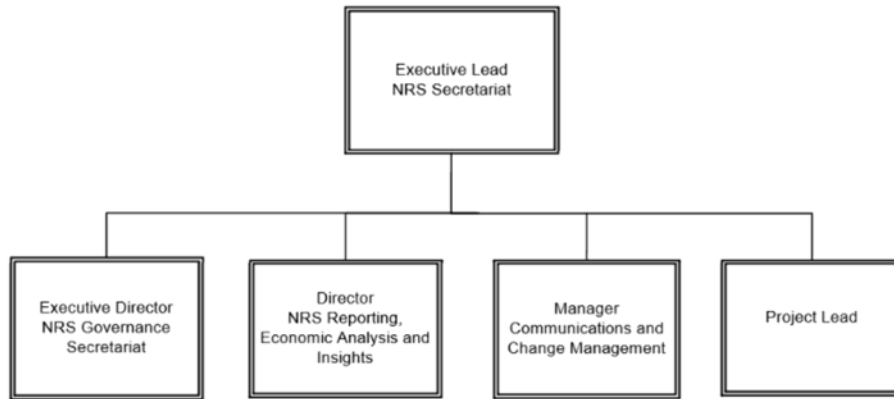
**NRS Governance Secretariat:** Coordinates, manages and aligns governance structures and processes to better support sector-wide decision making and overall sector effectiveness. Provides secretariat support to ADM / DMCNR, Deputy Ministers' Working Group on Organizational Effectiveness (DMWGOE) and Natural Resource Sector Solutions Project Board. Provides expertise in corporate planning and performance, intergovernmental relations, organizational effectiveness, and change management.

Budget: \$1.839M

Full Time Equivalents (FTEs): 21 (headcount as of October 1, 2022)

Related Legislation: N/A

**Organizational Chart:**



## Cumulative Effects NRS Solutions

Executive Lead Responsible – Morgan Kennah

Core Business/ Program Area Description/Critical Business Processes:

The team is responsible for five key work areas:

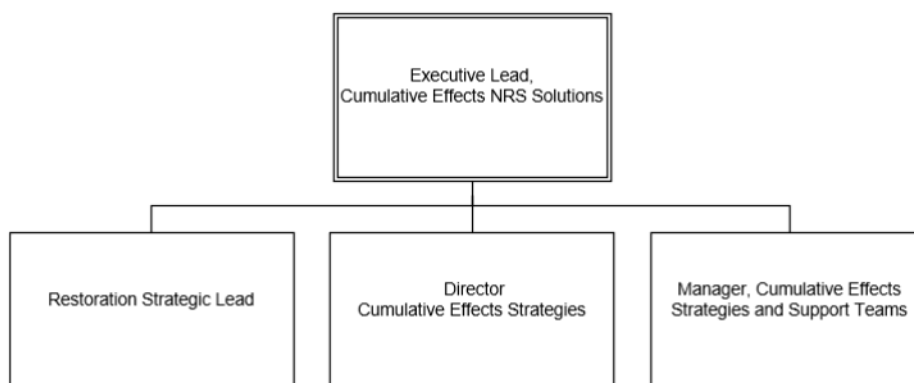
- 1) Strategic leadership and natural resource ministry/agency coordination in cumulative effects negotiations with Treaty 8 Nations in northeast BC, and the execution of agreements being pursued with these Nations, including associated change management and culture shifts necessary to work as partners with Treaty Nations on land and resource use.
- 2) The design and delivery of key components of the provincial response to the 2021 BC Supreme Court ruling of *Yahey v. BC* including (i) cumulative effects measures, (ii) interim- and longer-term decision-making approaches that move BC from application-by-application consultation to shared decision making approaches, and with consideration of cumulative effects in decisions, (iii) a restoration initiative involving substantive policy, process and fiscal elements focused on healing the land, and (iv) the provincial policy and legislative approach to implementing cumulative effects components of the Treaty 8 agreements.
- 3) Provincial leadership across the natural resource ministries and agencies to how we advance the management of cumulative effects, through policy (including legislative), program and process measures, and systems and tools.
- 4) Provincial leadership in providing advice on how to consider cumulative effects management in areas outside of northeast BC, based on lessons learned.

Budget: \$0.392M

Full Time Equivalents (FTEs): 5 (headcount as of October 1, 2022)

Related Legislation: N/A

Organizational Chart:



## Permitting / Authorizations and Statutory Decision-Making Solutions Team

ADM Responsible: Jen Anthony, Executive Lead

### Core Business/ Program Area Description/Critical Business Processes:

#### Core Business

The Permitting/Authorizations and Statutory Decision-Making Solutions team (Permitting Team) is endorsed by the natural resource ministry (NRM) Deputy Ministers to undertake strategic, agile and innovative approaches to sustainably enhancing the Natural Resource Ministries (NRMs) permitting regime. The Team has been established in response to the findings of the 2021 cross-NRM assessment conducted by the Lands and Natural Resource Operations Secretariat.

#### Program Area Description

Efficient and effective delivery of permitting and authorizations services are key to achieving government's goals of economic activity and environmental sustainability that must be considered in tandem with government's commitment to reconciliation. Lengthy approval processes across all types of permitting and authorization activities are now commonplace, with timelines exceeding 500 days in some circumstances. This situation is resulting in more than \$1 billion of unrealized provincial economic activity and \$150 million in deferred annual provincial government revenues. Further impacts include reduced client satisfaction, reduced employee engagement and resiliency, and the erosion of Indigenous Nations and public trust and confidence in government's regulatory regime.

#### Critical Business Processes

The Permitting Team's core business is focused on alignment across the NRMs in the delivery of a revitalized, integrated and predictable permitting process. Three key priority projects include:

- Housing (supporting the Homes for BC Plan)
- Aggregate Development
- Connectivity BC

The Team is also focused on supporting numerous other cross-government initiatives already underway that will result in tangible, scalable approaches to permitting shifts and changes for the Province across all authorization and permitting types. To drive forward results the Permitting Team will focus on three areas to significantly improve the current situation:

#### **Legislation, Regulation and Policy**

- Working with subject matter experts to undertake a comprehensive and omnibus review of the legislation and policy prompting for reduction in low-risk and/or inconsequential (G2G) authorizations where possible; developing a critical path forward to implementing changes.
- Explore legislation and policy potential for co-developing accommodation tools (e.g., improved *Land Act* accommodation tools) with Indigenous Nations.
- Consider scope of fees from "heavy lift" (major capital projects) vs. small scale transactional (hunting and fishing licenses etc.)
- Supporting and alignment with Heritage Conservation Act Transformation initiative and changes to *Wildlife Act* to address permitting efficiencies

### Systems, People and Process

- Modernizing outdated and siloed systems by identifying attainable system improvements to streamline permitting process, (e.g., modernize payments methods to online, service streams for activity types, fees and tiering approaches, bundling) while maintaining alignment with a long-term vision.
- Working across the NRM's to consider service model transformation leading to eventual rebrand of Front Counter BC.

### Consultation and Decision-Making Framework

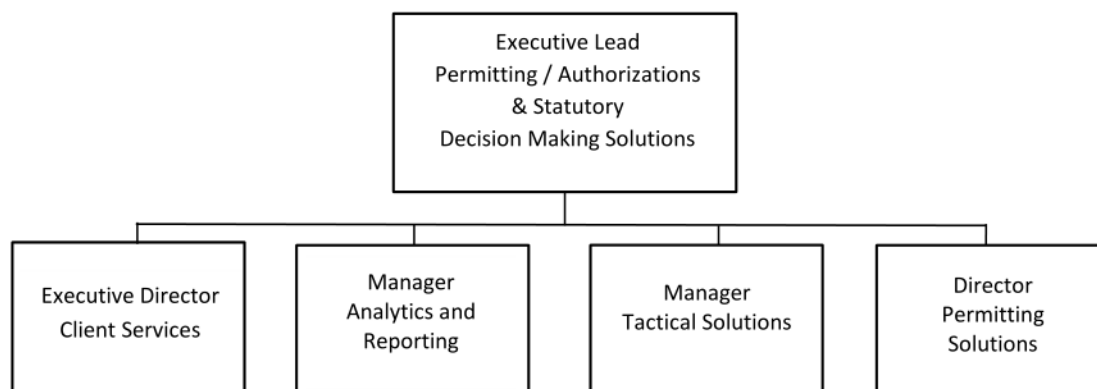
- Build a strategic shift in Statutory Decision-Maker (SDM) culture, practices and accountabilities that will create resiliency in the system to support predictable processes and decisions with an acceptable level of risk tolerance, while considering regional differences, by enhancing SDM supports and tools, risk management frameworks, delegated decision-making models and improved accommodation tools informed by DRIPA and the Yahey and T̓silhqot'in court decisions.

Budget: \$3.857M

Full Time Equivalents (FTEs): 29 (headcount as of October 1, 2022)

Related Legislation: The group does not have ownership of any legislation, however, will be looking to influence change and streamline legislation and regulations across all natural resource ministries.

Organizational Chart:





MAJOR CORPORATE ISSUE NOTE  
**Strengthening the Environmental Land Use Committee**

Ministry/Ministries: Land, Water and Resource Stewardship; Forests; Environment and Climate Change Strategy; Agriculture and Food; Energy, Mines and Low Carbon Innovation; Indigenous Relations and Reconciliation; Transportation and Infrastructure.

Issue:  
Advice/Recommendations

**Background:**

ELUC was established in 1971 (see Appendix A for history). ELUC is mandated by the *Environment and Land Use Act* (ELUA) to establish and recommend programs to foster increased public concern and awareness of the environment. It has a duty in the context of government decision making which is: to consider the preservation and maintenance of the natural environment in the administration of land use and resource development that are equivalent to the maximum beneficial land use. This duty is set within the context of an outcome which is to: minimize and prevent waste of the resources and minimize and prevent destruction of the environment from the land use or resource development under consideration.

From that duty ELUC can make recommendations to the Lieutenant Governor in Council on matters relating to the environment and the development and use of land and other natural resources. ELUC itself is not a final decision maker. Further substantial powers that are not often exercised include:

- Study any matter related to the environment or land use, prepare reports, and, if advisable, make recommendations to the Lieutenant Governor in Council from the findings of the reports.
- The power to hold a public inquiry, appoint technical committees and make recommendations to the LGiC on orders/regulations.
- Power to create programs that foster increased public concern and awareness of the environment.

The majority of members of ELUC must be members of the Executive Council but can include others, past structures have included MLAs. ELUC does not have a terms of reference but does have statutory authority to make procedures to guide its activity, should the Premier want them to exercise that ability. ELUC membership composition from 2011 to the 2017 change in government, consisted of 6-8 Ministers and 5 MLAs. Then from the 2017 change of government to the most recent election, ELUC consisted of 6 Ministers, and since the 2020 election, ELUC consists of 7 Ministers by adding Minister of State, Lands and Natural Resource Operations, then replaced by Minister of Land, Water and Resource Stewardship.

## Current Membership Composition:

| Ministry                                    | Member/Ministry                                      |
|---|--|
| Land Water and Resource Stewardship (Chair) | Indigenous Relations and Reconciliation (Vice Chair) |
| Environment and Climate Change Strategy     | Forests  |
| Energy, Mines and Low Carbon Innovation     | Agriculture and Food                                 |
| Transportation and Infrastructure           |  |

Advice/Recommendations; Cabinet Confidences

## Issue/Opportunity:

Advice/Recommendations; Cabinet Confidences

Page 437 of 475

Withheld pursuant to/removed as

Advice/Recommendations ; Cabinet Confidences

Page 438 of 475

Withheld pursuant to/removed as

Advice/Recommendations ; Cabinet Confidences

**Appendix A - History of Environment and Land Use Committee**

- Environment and Land Use Committee (ELUC) was established by the Social Credit government in 1971 under the Environment and Land Use Act (SBC 1971, c. 17).
- ELUC Secretariat was established in 1973 by the NDP government as the staff support unit of the Environment and Land Use Committee. There were 95 Resource Manager positions.
- The mandate of the committee was to:
  - establish and recommend programs to increase public awareness of the environment,
  - to ensure that environmental concerns were fully considered in the administration of land and resource development, and
  - to make recommendations and reports to the Executive Council.
- It was empowered to conduct public inquiries, appoint technical committees, and hire experts, specialists and researchers.
- The Secretariat was established after the New Democratic government was elected in 1972 to provide recommendations and solutions to the committee by coordinating and analyzing interdepartmental studies.
- It was the first time in B.C.s political history that a permanent staff served a committee of cabinet. The Secretariat was organized into three units that operated interdependently to improve and apply integrated resource planning within the regional districts of the province. The units were Resource Planning, Special Projects, and Resource Analysis.
- Under a new Social Credit government in 1975, the Secretariat functioned in a diminished role within the Dept. of the Environment and the renamed Ministry of the Environment in 1976. It was reorganized into two units, Resource Planning and Special Projects.
- The Environment and Land Use Committee continued as an Executive Council committee, but the Secretariat was disestablished in 1980.

## MAJOR CORPORATE ISSUE NOTE

Ministry/Ministries: Land, Water and Resource Stewardship

### Issue:

Despite best efforts over the past decade to integrate decision making, drive transformation of the natural resource sector and introduce a “one-window approach” to permitting and authorizations across the Natural Resource Ministries (NRMs), these concepts have never been fully realized; permitting and authorizations continue to challenge the system, frustrating Indigenous Nations, industry, local governments and stakeholders, and provide little or no line of sight to help the Province better manage cumulative impacts on its natural resources.

### Background:

The NRMs collectively authorize a broad range of land, water, and natural resource activities, from small-scale recreational licences to major capital projects (Appendix 1, Table 1). Front CounterBC is responsible for 70% of authorizations; the remainder are dispersed across the NRMs. On average, annually Front Counter BC receives around 18,000 applications while 16,000 get processed to decision. Effectiveness and predictability of the permitting system is essential to government’s goals of economic activity, environmental sustainability, reconciliation, and trusted service delivery. These goals have been negatively impacted by the growing backlog of applications; greater than 15,000 across the NRMs (Appendix 1, Figure 1.).

Collectively, the NRMs need to address not only 15,000 backlogged applications that currently exist; but as the economy and provincial population continue to grow, the sector must develop a suite of solutions to ensure timely, transparent and fair permitting processes moving forward. Continuing to simply add more resources to existing processes to address caseload is not sufficient and in the absence of effective land use policy, social trade-off decisions today are being made on a permit-by-permit basis rather than at the landscape level by appropriate decision makers.

Competing interests on the landbase, climate change, Indigenous Rights and Title and changing industries means there are no easy decisions left to be made on the landbase. Improving the permitting and authorizations regime will require significant strategic shifts in how we manage and authorize activities on the landbase. The Province’s legislative regime and regulatory standards need to be modernized for today’s context, ensuring permitting/authorization effort appropriately factors in level of risk and helps to operationalize the *Declaration on the Rights of Indigenous Peoples Act* (DRIPA).

Key permitting themes coming out of the organizational effectiveness review of the natural resource ministries included the need to:

- shift away from day-to-day permitting transactions with First Nations and work more “upstream” on land and resource management plans that would determine which activities would take place across the land base

- modernize outdated and siloed systems so that information could be shared across the regulatory spectrum and among those undertaking assessments of permits/authorizations reducing duplication and costs, in terms of time and effort, by both industry and natural resource staff and allow statutory decision makers to better consider cumulative impacts
- strengthen supports and tools for statutory decision makers to build risk tolerance
- risk management frameworks and delegated decision-making models; and
- surge processes and capacity for catastrophic events (eg. Atmospheric river event).

With the establishment of the Ministry of Land, Water and Resource Stewardship (LWRS) a dedicated Permitting/Authorizations and SDM Solutions team (PASS), was established to address both the immediate permitting pressures, accelerate focused priority projects and develop longer-term strategic shifts needed.

#### Issue/Opportunity:

To advance novel permitting solutions, PASS has actioned the following priority projects that will challenge the cross-sector team to develop agile approaches that are scalable to other permitting challenges:

- **Housing:** To support the Homes for BC Plan and as endorsed by the DM/Minister Committee on Housing, developing a strategy aimed at the NRMs to support the provincial Housing Strategy in advancing permit applications relating to housing developments; this includes authorizations for in-stream works, water allocations, land tenures or conversions, contaminated sites reviews and assessments, right-of-way access and rural subdivision approvals. This strategy will be aimed at high-pressure regions such as the Lower Mainland and Capital Regional District.
- **Aggregate development:** Accelerate models of accommodation, ownership, equity partnership, tenure or revenue to enhance First Nations' economic opportunities and decision-making options, ensure a comprehensive fee-structure is in place with a cost-recovery model, and move towards a single delegated decision-maker model. This work is co-led with the Ministry of Energy, Mines and Low Carbon Innovation (EMLI).
- **ConnectivityBC:** In alignment with Stronger BC's 2027 target, to bring broadband, high-speed internet into remote and underserved communities, this project will consider improved delegated decision-making functions (e.g., reducing the number of decision makers), restricted intake windows for applicants, ensuring high caliber applications and coordinated consultation across permits.

Other emerging priorities could lead to additional project teams being established, for example, hydrogen.

Important to all these efforts will be the resourcing and focus necessary to co-develop a management approach to the resources across the land base allowing the Province to shift to a less transactional relationship with First Nations over time as broader, strategic land use plans are put in place in

collaboration with First Nations. This will provide greater certainty to the land and resources over time; in turn allowing the Province to reduce the number of permits/authorizations that are consulted upon and/or reduce the level of consultation across authorization types.

**Next Steps:**

PASS will rely heavily on cross-NRM collaboration, support and expertise. The work will focus on opportunities to deliver short term results, while continuing towards substantive, long term changes.

Advice/Recommendations; Cabinet Confidences



Appendix 1-Summary of authorization backlog growth, volume and average authorization turn around times.

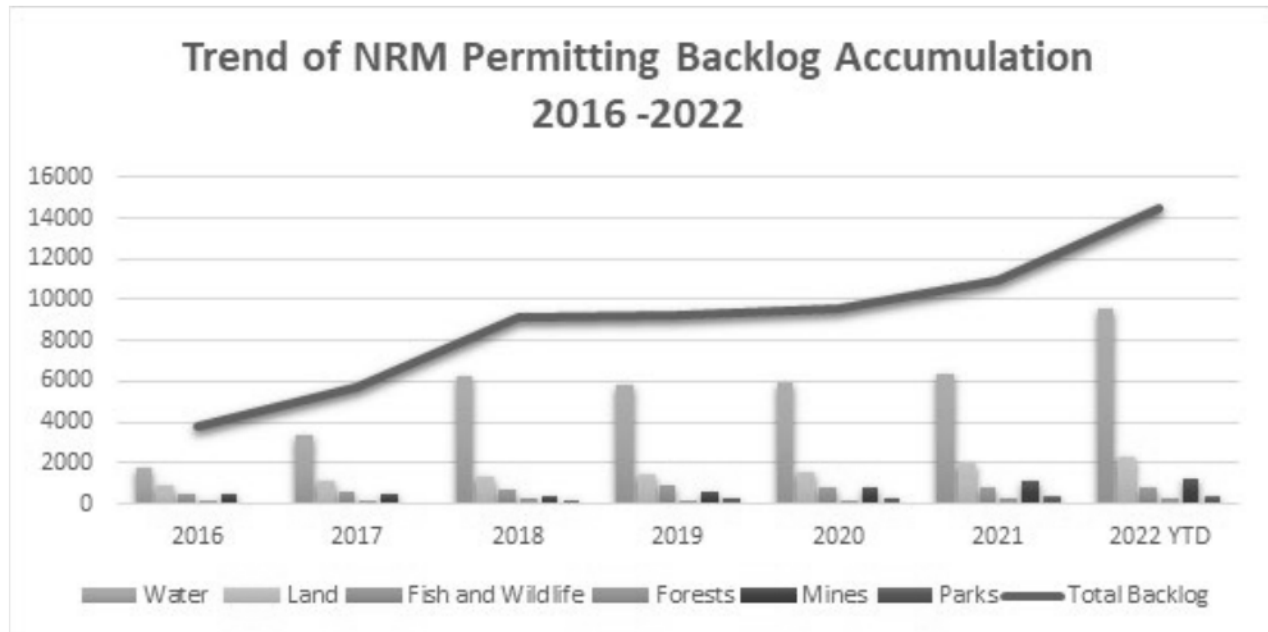


Figure 1: Permitting Backlog trend from 2016-2022

| Active Applications by Type                     |       |       |                |                 |       |         |                    |             |                            |
|---|-------|-------|----------------|-----------------|-------|---------|--------------------|-------------|----------------------------|
|   | Water | Lands | Regional Mines | Fish & Wildlife | Parks | Forests | Contaminated Sites | Major Mines | Reviewable Projects (EAO)* |
| Current Active Applications (Awaiting decision) | 8,245 | 1,780 | 557            | 438             | 334   | 199     | 444                | 39          | 23                         |
| Target Turnaround Days                          | 140   | 140   | -              | Varies 30/60/90 | 140   | 60      | 120                | 30          | 3 years (2018 Act)         |
| Average Processing Days                         | 328   | 324   | 251            | 39              | 283   | 138     | 116                | 189 **      | N/A                        |
| Performance Targets Met (%)                     | 62%   | 52%   | 80%            | 68%             | 27%   | 82%     | 72%                | N/A         | 60% (under 2002 Act)       |

**Table 1:** Provincial authorization types and average turnaround times. \* EAO data is manually tracked in excel-cannot adjust timelines for proponent driven-delays resulting in an average turnaround time of over 7yrs. \*\* Represents business days. \*\*\*Please note this table does not account for all currently backlogged applications across the NRM, but is a sample size to demonstrate the volume of

*authorizations under activity types.*

MAJOR CORPORATE ISSUE NOTE  
**Blueberry River First Nation and Treaty 8**

Ministry/Ministries: Land, Water and Resource Stewardship; Forests; Energy, Mines and Low Carbon Innovation; Indigenous Relations and Reconciliation; BC Oil and Gas Commission

Issue: Implications of cumulative impacts on Treaty 8 rights, including the 2021 *Yahey (Blueberry River First Nations)* Supreme Court decision

Background:

In 2015, Blueberry River First Nations (Blueberry River) initiated litigation regarding the impacts of Crown decisions and industrial development on their ability to meaningfully exercise their treaty rights and pursue their traditional way of life. In 2021, the BC Supreme Court ruled that the Province has breached its obligation to Blueberry River under Treaty 8, including its honourable and fiduciary obligations. Instead of issuing a cash settlement or other relief, the judge issued four declarations: (1) the Province's mechanisms for assessing and taking into account cumulative effects are lacking and have contributed to the breach of obligations under Treaty 8, (2) the Province has unjustifiably infringed Blueberry River's treaty rights as there are insufficient and appropriate lands remaining for the meaningful exercise of treaty rights, (3) the Province cannot continue to unjustifiably infringe Blueberry River's treaty rights, or otherwise authorize activities that breach the Province's honourable and fiduciary obligations, and (4) the Province and Blueberry River must act with diligence to consult and negotiate for the purpose of establishing timely enforceable mechanisms to assess and manage the cumulative impact of industrial development on Blueberry River's treaty rights, and ensure their rights are respected.

Since summer 2021, the Province and Blueberry River have been in negotiations on the terms which could form a settlement agreement. An initial agreement was made with Blueberry River in October 2021 to provide \$65 million in initial funding for Blueberry River's interests in restoration, wildlife management, culture, and capacity measures, while the Province and numerous proponents received certainty that their previously authorized activities could continue in Blueberry River's Civil Claim Area. Twenty specific oil and gas and forestry authorizations were paused by Order-in-Council at Blueberry River's request.

Since fall 2021, the Province has also been negotiating with the seven other BC-based Treaty 8 Nations<sup>1</sup> in response to their concerns about cumulative impacts on their treaty rights, noting the treaty area and treaty rights are uniformly held between communities, and the legacy development impacts them all.

Advice/Recommendations; Cabinet Confidences; Intergovernmental Communications

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<sup>1</sup> West Moberly First Nations, Saulteau First Nations, McLeod Lake Indian Band, Halfway River First Nation, Doig River First Nation, Prophet River First Nation, Fort Nelson First Nation

Page 446 of 475

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Advice/Recommendations ; Cabinet Confidences ; Intergovernmental Communications

Page 447 of 475

Withheld pursuant to/removed as

Advice/Recommendations ; Cabinet Confidences ; Intergovernmental Communications

Page 448 of 475

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Advice/Recommendations ; Cabinet Confidences ; Intergovernmental Communications

September 23, 2022

Page 450 of 475

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Advice/Recommendations ; Cabinet Confidences



Page 451 of 475

Withheld pursuant to/removed as  
Advice/Recommendations ; Cabinet Confidences

Page 452 of 475

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Advice/Recommendations ; Cabinet Confidences

Page 453 of 475

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Advice/Recommendations ; Cabinet Confidences

Page 454 of 475

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Page 455 of 475

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Page 456 of 475

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Page 457 of 475

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Page 473 of 475

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Advice/Recommendations ; Cabinet Confidences

Page 474 of 475

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Advice/Recommendations ; Cabinet Confidences



Page 475 of 475

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Advice/Recommendations ; Cabinet Confidences