



January 19, 2018

Via email

Hon. George Heyman
Minister of Environment and Climate Change Strategy

Re: Review of Professional Reliance in Natural Resources

Dear Minister Heyman,

The BCWF appreciates the opportunity to provide input on how qualified professionals (QPs) are engaged in the management of B.C.'s natural resources through the review of Professional Reliance (PR).

Over the last 15 years, British Columbia has become increasingly reliant on QPs hired by industry and developers to fulfill many roles that in the past were undertaken by staff working for government.

Professionals – whether they work for government, industry or the non-profit sector – have a lot of training and expertise, and we would be well advised to take their analysis and recommendations seriously in their areas of expertise.

We would also be well advised to look at both the weakness and strengths of the system. The BC Wildlife Federation believes that currently the system is broken. However professional reliance is part of a larger systemic natural resource management problem.

A simplified version the professional reliance model is:

1. Government sets rules or results to be achieved;
2. Government relies on qualified professionals on how the objectives are best met by resource users;
3. Government monitors results and enforces compliance.

The first issue that needs to be addressed with professional reliance (PR) is there are no overarching comprehensive principles for landscape and watershed sustainability set by government to be used by professionals. Government is abrogating its responsibility for natural management through PR.

Many of the recommendations made under PR are value judgments that cannot be resolved through professional knowledge. They include trade-offs for economic, natural capital and social accounts including First Nations. The recent priority of governments has been furthering economic objectives. There is no clear and consistent guidance for decision makers for environmental sustainability across resource sectors. There is a need to align watersheds and landscapes. Clear land-based objectives must be integrated between the Forest and Range Act the Practices Act, the Water Sustainability Act, The Land Act and the Riparian Areas Regulation and other legislation so that all activities are managed to the same set of rules. Land and water objectives for water quality, water quantity and environmental flow protection are key to the sustainability of fish and wildlife habitat and the populations they support.

To put the issue in context, the following question should be answered. Does the government decision-maker have the ability to modify PR recommendations to control the severity of impacts and unwanted



outcomes in the public interest? We believe the answer to this question, in too many instances, has been no. The level of oversight by government needs to be increased to ensure the resource management system is functional.

Qualified professionals provide their “best” advice. This may be limited by the finest available knowledge at best, or at worst, supporting the applicants’ objectives, often framed within considerable technical uncertainty. Analyses of environmental or social concerns are frequently out of scope. Often the communities and First Nations pay the price of both direct and cumulative effects, without notification or knowledge of the decisions made by government supported through the professional reliance model, leading to a lack of public trust in the system.

Landscape and watershed objectives could provide direction in terms of local economic, environmental and social objectives in order for qualified professionals and statutory decision-makers to consider a full range of objectives. Improved monitoring of the effects of the decisions, particularly in high-risk or highly uncertain areas, is appropriate. Having good baseline resource inventories is a prerequisite for good natural resource management. Natural resource inventories are required to set objectives and measure performance of the regulatory system on the maintenance natural capital in the province.

Recommendation #1

Overarching legislation for sustainability and land use is required to support the qualified professional model.

Recommendation #2

Landscape and watershed objectives need to be established that balance economic, economic and social outcomes.

Recommendation #3

Information leading up to decisions affecting watersheds landscapes and communities should be accessible to the public and to the identified accountable decision-maker.

Recommendation #4

The statutory decision-maker should have the discretion to look at the full range of impacts that may not have been considered by the QP.

Recommendation #5

New provisions to promote a comprehensive approach to landscape and watershed planning to create regulatory regimes that reflect local needs and priorities that are able to influence landscape protection and authorizations that are inclusive of communities and First Nations.

The Forest Practices Board provides oversight to the Forest and Range Practices Act. The impacts on landscapes and watersheds are the result of the cumulative effects of individual authorizations made by the Ministry of Forests Lands and Natural Resource Operations and Rural Development.

The BC Wildlife Federation has advocated the establishment of an independent Natural Resources Practices Board, reporting to the legislature, to ensure the effectiveness of the regulatory framework for natural resources and the compliance of resources users to the regulations. This body could restore the public trust in the management of natural resources by examining complaints, and conducting audits and



investigations on all aspects affecting watershed/landscape health. The body should be representative and inclusive of Indigenous governments. This function should be transferred to the Ministry of Environment and Climate Change.

This body would not be responsible for qualified professionals but would provide advice to the various professional organizations where issues arise.

Recommendation #6

Establish a Natural Resources Practices Board (see Appendix 1).

Recommendation #7

Ensure clear accountabilities and enforcement for the enforcement of regulations led by the B.C. Conservation Officer Service with other agencies.

Recommendation #8

Establish a Landscape/watershed sustainability fund of \$150 million to conduct the research and education, and leverage community technical and government support including First Nations. This fund should be financed by resource authorizations.

Recommendation #9

Restore the capacity in government to conduct inventory, analysis and assessments of landscape/watershed functioning including expansion of the Forest and Range evaluation program. Make the report of this program available to the public. Assessments should be scaled up from the site to landscape level, shifting accountability for performance to the authorizing agencies.

Recommendation #10

Ensure mechanisms are in place to ensure entities that use QPs, as well as the QPs, are liable for errors and omissions in material they submit to government for approval.

Yours in conservation,

A handwritten signature in black ink, appearing to read 'Al Martin', is written over a light blue horizontal line.

Al Martin
Director
Strategic Initiatives
BC Wildlife Federation

CC: Review of Professional Reliance in Natural Resources