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Province of British Columbia

Delivered by email: CitizenEngagement@gov.bc.ca

To Whom it Concerns:

Re: Professional Reliance Review

Thank you very much for the opportunity to provide feedback on British Columbia’s current regulatory model. Watershed Watch is a science-based charity that advocates for the conservation of BC’s wild salmon. We see widespread problems with BC’s current regulatory model, and we are pleased that the Province of BC is undertaking this review.

Watershed Watch is very concerned that decisions about the public interest are being made by individuals employed by industry and the private sector, often with little to no oversight. The clear result of the various “professional reliance” oriented decision-making regimes is inadequate environmental protection and a lack of openness and democratic accountability. There is abundant documentation of conflicts and harms caused by the inadequate checks and balances in BC’s current regulatory environment. These problems clearly highlight the need for: i) amending and strengthening various laws, regulations and policies in order to improve decision making frameworks, including specifying measurable objectives/results to protect the public interest, and, ii) increasing capacity within government for enforcement, monitoring, and oversight.

As described by Mark Haddock in his 2015 report^[1]: “Proponents should not be decision makers for matters involving the weighing and balancing of multiple, often competing, environmental and societal values.” As a part of increasing (or restoring) government capacity to manage in the public interest, we believe that some decisions will be best made by staff within government. As such, we hope that the review recommends areas where decision-making powers and associated resources should be returned to government staff, while also indicating how government oversight and public accountability can be improved for those decisions that will remain under the purview of industry and private-sector professionals.

In general, we believe that the current regulatory approach needs to be reset so that other planned government reforms (e.g., land use planning, endangered species protection, reconciliation with First Nations, mining reform, fish and wildlife management, water sustainability, forest management and retention of old growth, and fish farming) can be successful. Checks and balances need to be in place to ensure that environmental values are sustained. We particularly recommend that objectives under the

Forest and Range Practices Act (FRPA) be modified to include biodiversity and water values, and that all FRPA objectives be made measurable.

We also note that while decision making is retained by government in environmental assessments, that the culture of professional reliance is also negatively affecting some outcomes in this area. We have observed serious problems with the way consultants hired by some proponents have carried out the necessary studies and developed recommendations that are not supported by objective analysis and/or favour the proponent rather than the public interest. Increased transparency and oversight are therefore needed for environmental assessments as well.

Finally, government communications should be clear that what is under review is British Columbia's regulatory model, and not the competence or integrity of professionals. Any messaging must distinguish between the performance of professionals and the regulatory structure under which they operate. For instance, confusion is perpetuated by the Engage BC website, which has a tagline that reads: "A conversation about qualified professionals." We respectfully request that future messaging clearly indicate that this review and any subsequent reforms are to address problems created by the BC government's regulatory and policy shifts over the last 12-15 years, which have outsourced many resource management decisions formerly made by government.

We appreciate the opportunity to provide feedback to this review, and we look forward to further engagement in this process.

Sincerely,

A handwritten signature in black ink that reads "Aaron Hill". The signature is written in a cursive, slightly slanted style.

Aaron Hill, M.Sc.
Executive Director
Watershed Watch Salmon Society

[1] Haddock, M. 2015. Professional Reliance and Environmental Regulation in British Columbia. Prepared by the University of Victoria Environmental Law Centre.