



COLUMBIA SHUSWAP REGIONAL DISTRICT

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January 23, 2024

Sent by email: EMCR.Minister@gov.bc.ca

Honourable Bowinn Ma
Minister of Emergency Management and Climate Change Readiness

Dear Minister:

Re: BC's Emergency and Disaster Management Legislation Feedback

On behalf of the Columbia Shuswap Regional District (CSR D) Board of Directors, this letter presents concerns regarding the new Emergency and Disaster Management Act Legislation and the process for creating associated regulations. Of particular concern is the lack of communication and local government engagement with the emergency management legislation change process, the formulation and drafting process of the content of Bill 31-2023: Emergency and Disaster Management Act and the expected challenges as they relate to the CSR D.

The CSR D believes that the government is taking positive steps toward addressing previous concerns, however the CSR D would have found it beneficial to have received a draft version of the legislation for review, like many First Nations, to provide sound, insightful, and meaningful feedback. The CSR D feels ill-positioned to respond to the new guidelines, prepare to meet the legislative requirements, and fulfill the expectations of our job accordingly due to the lack of communication and engagement throughout the modernized emergency management legislative change process.

CSR D staff have reviewed the new Emergency and Disaster Management Act Legislation recently introduced by the provincial government. Staff have been carefully considering how the framework will be implemented in our area, recognizing execution of the legislation is complex, given the vast expanse and diverse topography of our regional district.

The CSR D has identified gaps and vulnerabilities in the proposed framework as we move toward preparing emergency and disaster management strategies to cover a geographical area of 28, 929 square kilometres - with an average population density of 1.7 persons per square kilometre – and to support a population of approximately 57, 512 residents in seven unincorporated electoral areas and four member municipalities. It is important to note that the CSR D does not have extensive public works functions, equipment or staff resources as would be seen in municipalities.

Provincial Ministries, Crown Corporations & Agencies

The CSR D would like to emphasize the need to establish clear lines of responsibility for emergencies, particularly in areas of provincial and local government overlap, and the Province should provide sufficient financial resources and other supports to ensure the CSR D is able to carry out its emergency responsibilities.

The CSR D questions why the Ministry of Health is not the lead ministry for extreme heat or cold as these hazards poses a risk to public health. Interior Health has taken a lead role in creating awareness and educating local authorities in the Central Region. The CSR D Board sent a letter to the Emergency

ELECTORAL AREAS

A GOLDEN-COLUMBIA
B REVELSTOKE-COLUMBIA

C EAGLE BAY-WHITE LAKE-TAPPEN
D FALKLAND-SALMON VALLEY

E SICAMOUS-MALAKWA
F NORTH SHUSWAP-SEYMOUR ARM
G BLIND BAY-SORRENTO-NOTCH HILL

MUNICIPALITIES

GOLDEN
REVELSTOKE

SALMON ARM
SICAMOUS

Management and Climate Readiness Minister on the topic of extreme weather emergencies and public safety on November 17, 2023.

Under the new legislation the CSRD is now required to take action on Crown Land which would result in a significant increase in expected workload due to the enormous amount of Crown Land within the electoral area boundaries. In the CSRD, we are particularly concerned about wildfire, flooding, landslides, and other emergencies that occur within regional district boundaries where the CSRD effectively has little or no control. Unlike municipalities who are responsible for road networks, bridges, and sidewalks as well as subdivision approvals, regional districts do not share these same responsibilities and therefore do not have extensive public works functions, heavy equipment and responding resources. In our view, it is reasonable for the Province to assume primary authority for assessing and responding to emergencies on or originating from Crown Land as it does for wildfire emergencies through its BC Wildfire Services Branch.

While much of our work is focused on mitigation and we can actively focus on zoning regulations and public education to try to reduce the impact of a disaster, we do not have the ability to reduce risk outside of our service area. Through the mitigation efforts, we believe it enables individuals and communities to recover more rapidly from disasters while lessening the financial impact of disasters.

Having recently gone through the largest emergency operations response in CSRD history this past summer with the Bush Creek East Wildfire, and still actively in the recovery process, we are taking the opportunity for careful analysis and review of the response and recovery efforts. Through debriefing and reviewing our emergency response, as well as our coordination efforts with the Province, stakeholders and organizations, we are taking advantage of analyzing the draft legislation with a critical eye. With our recent experience and with consideration to the proposed legislation, we are carefully evaluating each section of the draft legislation as it relates to us and the scope of our ability to respond to the emergency or the recovery process, whether it is a wildfire, flooding, landslides, or other emergency event.

The CSRD supports the adoption of the Sendai Framework and agrees that as risk increases due to negative climate change impacts, emergency management needs to focus on reducing risk, particularly through mitigation and prevention actions. There will be a requirement from both provincial and federal governments to guide and coordinate disaster risk reduction, providing resources, incentives, and financial support to local authorities, such as regional districts, whose boundaries are large and tax base small. Guiding principles to support implementation will be important and will need to clearly set risk tolerance and standardized risk thresholds used to define hazards and hazardous areas.

Local Authorities

The CSRD has significant concerns regarding the increased responsibilities, requirements, and expectations being placed on them without clear commitment from the Province to fund the extra work. The CSRD welcomes recommendations by the Minister regarding modifications to local authority emergency plans but retains the right to determine whether to adopt the modifications proposed. The Sendai Framework clearly states that it is necessary to empower the local authorities with decision-making responsibilities especially as it relates to emergency planning. For example, there will be a need to address existing subdivisions that were approved by the province prior to the establishment of regional districts. Many of these subdivisions are situated in high-risk areas such as alluvial fans, mountainous terrain, and below large cliff faces. The Sendai Framework speaks to "Investment in Risk Reduction" which can prove very costly. The responsibility for risk reduction needs to remain with the approving body, which in many cases is the Province.

Under the new legislation, Local Authorities must have one emergency management plan for each area within their jurisdiction. The CSRD has dozens of communities and unincorporated hamlets and villages. Does this mean a separate plan is required for each of these areas? What is the standard for including "measures to promote cultural safety" when there are multiple Indigenous governing bodies with overlapping territories within the CSRD?

The requirement to support others in an area of their jurisdiction by taking emergency measures or providing emergency resources will require additional resources and funding. All mitigation and preparation measures

directed by the Province to local government will add significant workload and funding requirements and the CSRD would like clarification on expectations and how this will be supported by the Province.

There is a new requirement to have business continuity plans. The CSRD would like to request a standard template or overview of what the business continuity plan is expected to include. Does EMCR have the capacity to audit business continuity plans, and will there be provincial funding available for agencies to create these plans? More information is requested on the expectation of consultation and cooperation with Indigenous Governing Bodies and the nature of the collaboration as it impacts the Business Continuity Plan.

If the Province is to establish a comprehensive list of requirements for standardized programs and plans, the CSRD would request that the differences between municipalities and regional districts is considered. The CSRD would like clarification on the expected frequency of reviews and revisions to the various plans.

The CSRD is concerned by the implied expectation that the regional district is responsible for funding critical infrastructure risk assessments, emergency plans, and business continuity plans, and is responsible for hosting the data, including all information and records, and how it relates to increased staff time, resources, and costs.

Local Authorities are required to provide additional reports annually and as requested by the Province. This will create an added workload on staff.

The legislation seems to be increasing the Province's power over local authorities which is a concern if the Province directs Local Authorities to take action but does not provide adequate resources and funding. The CSRD would like to know if the Province will supply appropriate funds and resources if directing the Local Authority to mitigate or prepare for a specific hazard that presents a significant risk of becoming an emergency. Who determines if it is a significant risk?

First Nations Reconciliation, Consultation and Coordination

The CSRD has several agreements with First Nations in the Shuswap area, regularly consults and collaborates with First Nations, and fully supports the Province's efforts on reconciliation and protecting First Nations cultural sites. The CSRD is concerned that the proposed requirement for consultation with First Nations on emergency management plans and actions is downloading of the Province's responsibilities inherited from the federal government.

With many First Nations lacking full-time emergency management staff resources, the Province is placing increasing responsibility for First Nations emergency preparedness on Local Authorities. Consultation and coordination during an emergency when decisions need to be made quickly may be challenging. Clarification is required to define reasonable efforts by local government to reach agreement with multiple First Nations regarding overlapping traditional territory, what treaty areas are within the jurisdiction of a local authority and how they will be described in the local authority's emergency management plan. Significant additional workload is expected for all parties to meet the new requirements. Clarification and further details will be required for developing our regulations.

Financial Considerations

The CSRD looks forward to improved provincial policies, procedures and administrative processes that enable support for mitigation and recovery activities that will build resilience against future disasters and optimize existing reimbursement processes. Our view is that there needs to be more streamlined and user-friendly processes with regards to obtaining DFA, including increased funding opportunities from the Province and the Federal Government.

The CSRD welcomes a new approach to disaster recovery and agrees that a solid framework needs to be developed to form part of the new emergency management legislation. We recognize and have dealt with events where there is no clear dividing line between response and recovery. In order to "build back better" the Province will need to fund all stages of recovery.

Regarding the new Recovery Period the CSRD requests clarification on what the actual financial support and other assistance provided to local governments under this new period of 90 days entails, and the rationale behind setting the time frame at 90 days.

Enforcing Compliance

How will enforcement change with respect to evacuation order areas given the recent challenges during the 2023 wildfire season with major RCMP involvement? As it pertains to the Province, enforcing compliance by local governments with the new legislation, the CSRD recommends a reasonable and collaborative approach. The regulations are still being drafted and many questions remain unanswered regarding resources and funding to achieve all the new requirements.

Supporting Volunteers & Non-Governmental Organizations

The requirement for a volunteer to register and obtain specialized disciplines with no remuneration for services is not equitable to the offerings provided to volunteer firefighters who are deployed to assist with fighting fires. Firefighters are required to have specialized training but, when deployed, are remunerated for their services. The Inter-Agency Operational Procedures and Reimbursement Rates compiled by the Office of the Fire Commissioner clearly outlines annual rates and reimbursement for out-of-pocket expenses. There should be equitable treatment of Emergency Support Services volunteers who are registered, have specialized training, and are deployed to assist other communities and all out-of-pocket expenses should be reimbursed at governmental rates. On November 9, 2023 the CSRD Board sent a letter to the Emergency Management and Climate Readiness Minister on the topic of remuneration for Emergency Services volunteers.

Regulations

The CSRD believes we all have an opportunity to clarify and improve emergency management in the province by working together on developing the new Emergency and Disaster Management Regulations. The CSRD requests the Province establish a Regional District Working Group made up of regional district emergency managers from across the province to assist and advise the Province on the development of the new regulations specific to regional districts.

Thank you for considering our response to the changes in the Emergency and Disaster Management Act Legislation which will have significant and broad reaching implications to all local governments across BC. We understand the mitigative requirements to protect life and property and are fully committed to collaboration with the Province to enhance program effectiveness, communication, and trust in the delivery of emergency management services to all of our communities.

Yours truly,

COLUMBIA SHUSWAP REGIONAL DISTRICT

Per:

A black rectangular redaction box covering the signature of Kevin Flynn.

Kevin Flynn
Board Chair

cc: Union of BC Municipalities
All Regional Districts in BC