

February 29, 2024

Premier David Eby

Via email: premier@gov.bc.ca

The Honourable Bowinn Ma

Minister of Emergency Management and Climate Readiness

Via email: EMCR.Minister@gov.bc.ca

The Honourable George Heyman

Minister of Environment and Climate Change Strategy

Via email: ENV.Minister@gov.bc.ca

Dear Premier Eby, Minister Ma, and Minister Heyman:

RE: Supplemental Feedback on EDMA and Regulations for Local Authorities

Please accept this letter as supplemental feedback to the RDCK Board of Directors letter sent to Premier Eby (December 20, 2023) and notification that at the February 15, 2024, Regular Board Meeting the Regional District of Central Kootenay Board of Directors adopted the following resolution:

That the Regional District of Central Kootenay Board send a second letter to the Premier of British Columbia, the Minister of Emergency Management and Climate Readiness, and the Minister of Environment and Climate Change Strategy expressing its deepening concern to the Province on its Emergency and Disaster Management Act and related Regulations for Local Authorities, and that the letter also request that the Province provide concrete implementation timelines and a roadmap along with supplemental funding to address the capacity and resourcing required to complete this work, and that the letter be copied to all 27 Regional Districts, municipalities in the RDCK, and MLAs for the RDCK.

In principle, the RDCK Board of Directors expresses its alignment with the overarching goals of the Emergency and Disaster Management Act, recognizing the imperative for adaptive strategies in the face of evolving climate challenges. We acknowledge the Act's emphasis on the need for a collective and comprehensive approach to emergency and disaster management. However, as we delve into the intricacies of the proposed legislation, several critical aspects have emerged that warrant thorough concern.

Funding and Cost to the Tax Payer

The RDCK serves approximately 60,000 residents within its 22,000 square kilometers giving it a population density of 2.7/km². Our region consists of 11 electoral areas and nine member municipalities, 350 watersheds, including four that are significant, with two Columbia Water Treaty dams and three reservoirs.

The vast majority of populated areas are served by 30 established fire departments, which includes nine municipal fire departments. A significant portion of the RDCK is Crown Land, and of our electoral areas, eight have *some* zoning whereas three have none. The combination of these factors paints the complex picture that is the RDCK.

Consequently, our regional district struggled to meet requirements in the previous Emergency Program Act given the above factors, the increasing frequency and severity of disaster events, related costs, and the impacts of climate change. Our staff, beyond those hired as Emergency Program Coordinators, rise to the challenge year after year, leaving their regular positions to work in the EOC and respond to incidents. Further, DM Richards indicated in their response to Chair Wagner of Cariboo Regional District: “the provincial government signaled that it intends to make regulations that will limit the minimum required scope of regional district risk assessments and emergency management plans to geographic areas for which the making of plans is most critical”. While we understand that “risk assessment and planning requirements under the EDMA will be phased in” Board is concerned that the Province has not signaled, in tandem, that it will step forward with reasonable funding to support such activities. Overall, EDMA increases the role of local government without allocating funding to support its implementation. As guidance, previous NDMP-funded risk assessments undertaken for a fraction of our region cost close to \$5 million, without factoring any actual mitigation work. A benchmark example could be the structural mitigation required for a single steep creek in the region was assessed at more than \$10 million which does not yet include the expected annual operations and maintenance cost to tax payers. While the \$40,000 allocated to working with Indigenous Governing Bodies is welcome, the above examples demonstrate the inadequacy of funding is needed to implement EDMA. The Regional District will foreseeably need to hire consultants and/or more staff to ensure compliance. Plainly, with its primary funding mechanism being property taxation, the RDCK would not have the financial resources to achieve the requirements.

Addressing Residents’ Concerns

In addition to the Board’s expressed concerns, our residents are also voicing apprehension for the Act. Directors are receiving feedback and questions about how they perceive the Province to be overreaching into local jurisdictions and granting themselves powers that infringe on individual rights. For example, the new definition for “emergencies” that includes terrorism, rioting, and security threats, does not state how these will be enforced in a regional district since it does not have jurisdiction or direct control of law enforcement. As it stands, the Province’s lack of clarity and communication with the public is making Local Jurisdictions the targets for residents’ anger and frustration. Without clarification from the Province, Regional Elected Officials are the continued targets of residents’ questions and concerns without being able to answer many of them, further increasing public angst about the EDMA. The RDCK Board interprets the changes as an overstepping by the Province on the increased powers it is assuming and requiring of Local Authorities, particularly with “emergencies” that fall under the criminal code such as terrorism, rioting and security threats. This seems to be an outdated vision of emergencies based on old emergency management principles of “civil defense”. We are highly concerned that the Province has given itself increased powers (expanded definition of emergency, offence penalties, etc), how the Act recognizes and aligns with individual rights of residents, and justify the timing for an increase in emergency management costs downloaded to taxation given the current high cost of living. Local governments cannot be expected to shoulder the public outcry on what is being provincially imposed, nor should we be expected to defend what we ourselves do not fully understand.

Unintended Consequences

The RDCK Board is also highly concerned that the new Act and related Regulations could have unintended consequences that we have not had time to consider given the hasty passing of the new legislation. For example, how might new requirements impact climate migration in the midst of a housing shortage? How might publicly available risk assessments for all foreseeable hazards effect insurance affordability and availability at a time when people are already needing to make difficult financial choices? Furthermore, how might new requirements of volunteers impact emergency response when they are often the backbone agency in remote areas of the RDCK? Like other regional districts, we urge the Province to consider that ESS, SAR and other emergency related volunteers qualify for incentives such as tax credits and stipends as outlined by the OFC for firefighters.

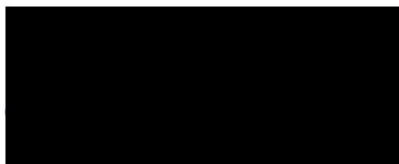
While we were initially deeply worried about how this legislation might diminish their capacity to operate effectively and efficiently, we were pleased to learn that EMCR had met with BCSARA and member SAR groups, which helped EMCR understand their concerns regarding EDMA implementation and resulted in several informed decisions made by ADM Maley as the Provincial Administrator. Similarly, we hope that the Province creates the space and time needed for Regional Districts like ours to provide proper, well thought out feedback for the regulation. Given the important ramifications of EDMA and its regulations, we would like to have further input on the regulation process and ensure they are designed appropriately for regional districts given their uniqueness. Again, our emergency management staff are already stretched thin with their regular scopes of work. Therefore, the Province must understand that fulsome policy analysis, communication to the Board about changes, and feedback to the Province are tasks that cannot happen *off the side of one's desk* as they merit diligent attention and response.

A Way Forward, Together.

At a time when institutional trust in government is waning, our hope is for a delivery of policies and services that are in line with the values of openness, integrity and fairness. This is an incredible opportunity for the Province to demonstrate leadership by listening to its jurisdictional partners and their residents by aligning required changes with concrete and reasonable timelines, adequate funding to address the capacity and resourcing required to complete this work, and robust public education campaigns. As such, the RDCK supports the request to create a UBCM working group on the matter, as other Regional Districts have called for.

Like the rest of Canada, the RDCK is experiencing disasters more often, more severely, and with growing social, environmental, and economic impacts. EM-related costs are ballooning and projected to keep rising, exacerbated by climate change and continued asset concentration in high-risk areas. It is a challenge that requires thoughtful collaboration and strategic funding across jurisdictional boundaries. We are a supportive partner at the table, but there is a limit to the tax base and what should be expected from local authorities and their residents.

Sincerely,

A large black rectangular redaction box covering the signature area.

Aimee Watson
Board Chair, Regional District of Central Kootenay

cc:

- UBCM Executive
- MLA: Brittny Anderson
- MLA: Hon. Katrine Conroy
- All Regional Districts in BC
- All RDCK Municipalities: City of Castlegar, Town of Creston, Village of Kaslo, Village of Nakusp, City of Nelson, Village of New Denver, Village of Salmo, Village of Silverton, Village of Slocan