



COLUMBIA SHUSWAP REGIONAL DISTRICT

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VIA EMAIL: EmergencyProgramAct@gov.bc.ca

The Honourable Mike Farnworth, MLA
Minister of Public Safety and Solicitor General
PO Box 9010 STN Prov Govt
VICTORIA BC V8W 9E2

Dear Minister Farnworth:

RE: Modernizing BC's Emergency Management Legislation Feedback

The Columbia Shuswap Regional District (CSRD) understands that the Province of BC is seeking feedback to its proposed changes to modernize the Emergency Management Act and has released a discussion paper entitled "Modernizing BC's Emergency Management Legislation". In 2016, the Province developed and released a discussion paper, "Prepared and Resilient – A discussion paper on the legislative framework for emergency management in British Columbia. The CSRD provided comments to this discussion paper on March 17, 2016, which are also enclosed for reference.

Prior to commenting on the new discussion paper, the CSRD would like to reiterate the following two main concerns outlined in our initial letter of March 2016:

"The first concern is that there should be clear lines of responsibility for emergencies, particularly in areas of provincial and local government overlap. The second concern is that the Province should provide sufficient financial resources and other support to ensure the CSRD is able to carry out its emergency responsibilities.

In our own regional district, we are particularly concerned about flooding, landslides or 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 in those areas as it does for wildfire emergencies through its BC Wildfire Services Branch."

Although the new discussion paper appears to outline some positive steps toward addressing these concerns, it would be of greater benefit to have received a draft version of the new legislation together with the discussion paper in order to provide sound and meaningful feedback and to avoid ambiguity. The CSRD appreciates that comments received from this consultation will be compiled into a "What We Heard" report slated for completion in the spring of 2020 followed by the introduction of the legislation in the fall of 2020. The CSRD requests that an additional step be added to the process by providing local authorities an opportunity to review a draft version of the legislation prior to new legislation introduction.

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ELECTORAL AREAS

A GOLDEN-COLUMBIA
B REVELSTOKE-COLUMBIA

C SOUTH SHUSWAP
D FALKLAND-SALMON VALLEY

E SICAMOUS-MALAKWA
F NORTH SHUSWAP-SEYMOUR ARM

MUNICIPALITIES

GOLDEN
REVELSTOKE

SALMON ARM
SICAMOUS

The following comments reference the particular sections of the discussion paper which are noted in each of the headings:

Adopting the Sendai Framework (pg. 6)

The CSRD supports the adoption of the Sendai Framework and agrees that as risk increases due to climate change impacts, an increase in focus on risk reduction, particularly through mitigation and prevention actions will be warranted. According to the Sendai Framework, provincial and federal governments would be required to guide and coordinate disaster risk reduction. Local government involvement would require provisions of resources, incentives and financial support to local authorities from the Province. The Province would need to develop guiding principles to support implementation and will need to clearly define acceptable risk tolerance and thresholds.

Interim Disaster Recovery Framework (pg. 8)

The CSRD welcomes a new approach to disaster recovery and agrees with the statement that “a solid framework needs to be developed to form part of the new emergency management legislation”. The CSRD acknowledges that the line between response and recovery during emergencies can be unclear. Dividing recovery into three stages does provide a clearer view of transition however, clarity in the elements to be provincially funded support needs to be created for all three stages in order to ensure the smooth transition from one stage to the next. In order to “build back better” the Province will need to fund all stages of recovery.

Reconciliation and First Nations (pg. 11)

The CSRD has a number of agreements with First Nations within its boundaries and supports the Province's efforts on reconciliation and protecting First Nations cultural sites. However, the CSRD is concerned that the proposed requirement for consultation with First Nations on emergency management plans and actions is downloading the Province's responsibilities inherited from the Federal government and will place local governments in a position to potentially take on an increased emergency management role on behalf of First Nation governments.

What Have We Done? What Next? (pg. 12)

It is stated that EMBC had extensive discussions with numerous stakeholders and partners including politicians from local government at UBCM to develop this discussion paper. Unfortunately there was no engagement with local government administrators who deal directly with the changes in the legislation.

Design Principles for Modernization (pg. 13)

The CSRD supports the list of seven design principles for modernization especially if a new funding mechanism is an improvement that works. There is some question of how the “all-of-society approach” will be reflected in the Act, specifically any changes to responsibilities of local authorities and if there will be associated funding.

Key Definitions

Mitigation (pg. 16): If the Province is going to “mandate greater consideration of current and future risk when considering development in hazardous areas” the Province needs to develop and support a standardized risk threshold used to define hazards, hazardous areas and associated risk tolerances.

Within a regional district, the Province is the subdivision approving officer. Many of these subdivisions are situated in high risk areas such as alluvial fans, mountainous terrain and below large cliff faces. The Sendai Framework identifies the need for "Investment in Risk Reduction" which can be very costly in this context. It is important that the responsibility for risk reduction remain with the subdivision approving body which in the regional district context is the Province.

Preparedness (pg. 16): It is not clear what the proposed "clear and expanded emergency management responsibilities for key partners" are and if local authorities are included in the definition of "key partners"?

Response (pg. 16): The definition of "response" includes the wording "may include deployment of registered volunteer resources". Local authorities invest a substantial amount of time and resources in the recruitment, training and retention of volunteers. These local assets, when registered with the Province, should not become a provincial resource to be deployed as determined by the Province. Volunteers need to remain under the guidance of their local authority and request for volunteer resources must flow through the local authority. In addition, it is believed that when a volunteer is deployed outside of their community, that they be considered a contracted resource and paid accordingly with all out-of-pocket expenses reimbursed at the annual set government travel allowance rate.

Recovery (pg. 17): The concept of "building back better" is a sound approach to recovery and building community resiliency. The CSRD agrees with the need for the Province to provide local authorities and ministries with tools and powers required to do so, however, in addition to tools and powers, there needs to be a funding stream. The existing Disaster Financial Assistance (DFA) funding model presently contradicts the concept of building back better and the CSRD has been faced with absorbing costs for all past recovery projects that did not meet the DFA's strict criteria of building back to "pre-event condition".

Minister Responsible for Emergency Management (pg. 19)

The CSRD welcomes recommendations by the Minister regarding modifications to local authority emergency plans however, the local authority should have the right to determine whether or not to accept these recommendations to the modifications proposed. The Sendai Framework clearly states that it is necessary to empower local authorities with decision-making responsibilities as it relates to emergency planning.

States of Emergency (pg. 19): The increase in the duration of a State of Local Emergency (SOLE) from 7 days to 14 days is supported. The CSRD would greater support a period consistent with the Province's duration of 28 days. A 28 day period is a more realistic duration when faced with a high-impact lengthy event.

Enhancing Confidence in the Emergency Management System (pg. 22)

Transparency: The CSRD supports the sharing of hazard, risk and vulnerability assessments, and mitigation planning documents from provincial ministries, crown corporations and agencies, local authorities and critical infrastructure operators.

Quality Assurance: The sharing of emergency plans with EMBC is fully supported by the CSRD and auditing the plan with a collaborative approach focused on continuous improvement is welcomed. There are concerns with having the audited results made public. Audited results, positive or negative, can be misconstrued. It is important that the Province and the local authority collaborate prior to any information being made public to ensure confidential or sensitive information is not released.

Provincial Ministries, Crown Corporations & Agencies (pg. 23)

The requirement for ministries to enhance ministry emergency and business continuity plans with regulated plan content will be an assistance to local authorities. An additional benefit would be listing key hazards with corresponding provincial ministries responsible for direct support to local authorities as outlined on pages 23 to 25. The CSRD is concerned that there is not a lead provincial agency assigned to site command for flooding events and it would be prudent that the provincial response by FLNRORD to a flooding event should be similar in nature to their present response to wildfire, where site command is assumed by the lead agency (FLNRORD or EMBC).

Local Authorities (pg. 27)

The CSRD would be in a position to provide more meaningful feedback, specifically in relation to this section, if it were provided a draft version of the legislation. Without evaluating the legislation, there is no way of adequately examining the financial impact on the local authority and many unanswered questions remain when reviewing this portion of the discussion paper such as:

- “Enhancing community consultation and coordination” - between who and for what end?
- “Empowering new and existing partnerships” - how and why is this different than what is already occurring?
- Does EMBC have the capacity to audit business continuity plans and will there be provincial funding available for agencies to create these plans?
- The provincial establishment of a comprehensive list of requirements for standardized programs and plans could be a concern if requirements are too rigid to account for differences in local authorities.
- This section seems to be increasing the Province’s power over local authorities which could be a concern if the Province directs local authorities to do something but does not provide adequate resources and funding.
- Proposal to enable local authorities “to make emergency amendments to Official Community Plans, Regional Growth Strategy, zoning or bylaws” - How is this different than Local Authority’s existing ability to make these changes? Is this supposed to be a streamlined process? (pg. 30)

Supporting Volunteers & Non-Governmental Organizations (pg. 40)

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 wild 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. All out-of-pocket expenses should be reimbursed at government rates.

Supporting & Empowering Citizens, Visitors & Businesses (pg. 43)

The CSRD appreciates the Province’s commitment to continue building on current emergency management education and promotion programs and initiatives aimed at citizens, visitors and businesses. This is essential if we want to solidify the all-of-society approach.

Financial Considerations (pg. 44)

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 streamline existing reimbursement processes.

There appears to be limited information within the discussion paper related to changes to the Disaster Financial Assistance (DFA) program. It is noted that the discussion paper references Interim Disaster Recovery Framework on p. 8 of the discussion paper.

"The list of challenges and examples presented for discussion and consideration are focused on the Act and not the regulations. However, this does not preclude comments and input on any of the regulations as potential changes to the Act could also have implications for matters set out under the regulations."

In this regard, the CSRD is curious if the Province intends on replacing the DFA program with some other source of recovery funding. There are several concerns with the current DFA and the Compensation and Disaster Financial Assistance Regulation (DFA Regulation). The DFA Regulation needs more clarity and detail with respect to what items will be eligible. The CSRD has found itself in situations where it had to negotiate with the Province regarding what items would be eligible for DFA. This creates uncertainty and administrative delays. To address this issue, Schedule 5 of the DFA Regulation should provide a more detailed list of what specific items would be covered by DFA to reduce the uncertainty that local governments experience with respect to DFA.

Additionally, there are limitations on DFA based on the wording in Section 26 and other sections of Part 3 of the DFA Regulation where "lesser of" language imposes potentially significant costs on the CSRD when materials must be replaced, or a facility must be rebuilt, to current standards rather than those applicable before the disaster.

The process for DFA also needs to be streamlined so that financial claims are processed and approved in a timely manner. For example, including explicit provisions in Division 4 of Part 3 of the DFA Regulation that require processing and approval of DFA claims within a specified time period would be very useful.

Thank you for considering the CSRD's response to the topics within the discussion paper. Changes to the Emergency Program Act will have significant and broad reaching implications to all local governments across the province. The CSRD is committed to ongoing collaboration with the Province in order to enhance overall program effectiveness, communication and trust in the delivery of emergency management services to all communities. The CSRD hopes that the Province will allow local governments an opportunity to review and comment on the specific wording of draft legislation when it becomes available.

Yours truly,

COLUMBIA SHUSWAP REGIONAL DISTRICT

Per:

Kevin Flynn, Chair
CSRD Board of Directors

cc: Charles Hamilton, Chief Administrative Officer

Encl.