



Islands Trust

LEGISLATIVE MONITORING REPORT
December, 2016

This document is intended to advise Trust Council about past or proposed external regulatory changes that could directly affect Islands Trust operations, local trust committee/island municipality bylaws or regulations, or Strategic Plan projects. The chart captures changes in the last six months and is organized according to the following categories:

- Planned legislation
- Legislation in process (none in this report)
- New legislation in effect
- Court decisions (none in this report)
- New resources
- Discussion/Planning/Trust Fund Board (TFB) related advocacy topics
- Environmental assessment processes in the Trust Area
- Legislative change requests

Attachments

- Status of Treaty Negotiations in the Trust Area
- Summary of federal government Ocean Protection Plan

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Planned Legislation

LEGISLATION IN EFFECT	STATUS	BACKGROUND/ KEY IMPLICATIONS TO TRUST AREA	ISLANDS TRUST ACTIONS-PAST	ISLANDS TRUST ACTIONS – FUTURE
Contaminated Sites Discussion Paper	Draft – feedback closed	<p>The Province is proposing to amend the Contaminated Sites regulations to change how and when contaminated sites are identified and proof of remediation is required. The Province asked for feedback earlier in 2016 and 40 local governments, including the Islands Trust, responded.</p> <p>Generally, the new regulations as proposed would eliminate some triggers for contaminated sites review, such as subdivision, and add other’s such as building permits. Remediation would be required before issuance of occupancy permit. Local government bylaw processes would not be frozen (as they are now) if a contaminated site is identified. In a effort to make the process consistent across the province, the option to opt out of the process will be revoked.</p>	When the regulation was first brought in in the late 1990s, the Islands Trust and many other local governments, based on legal advice, opted out.	If the regulation is amended as proposed, all local trust committees would need to comply, including development of processes dealing with contaminated sites during a development application process.
Proposed changes to <i>Fisheries Act</i>	Spring 2017 – Second phase of public consultation will solicit ideas on new legislation	<p>The Government of Canada is reviewing the 2012-2013 changes to the <i>Fisheries Act</i> with an online consultation called Let’s Talk Fish Habitat. The website provides two methods for input. Participants can :</p> <ul style="list-style-type: none"> a) share ideas on the interactive Ideas Forum, and comment, ‘like’ or critique all posted ideas. b) Fill out four eWorkbooks on: Why you care about fish habitat; threats to fish and fish habitat; the right protections in the right places; and monitoring and reporting back to Canadians. 		

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New Legislation in Effect

LEGISLATION IN EFFECT	STATUS	BACKGROUND/ KEY IMPLICATIONS TO TRUST AREA	ISLANDS TRUST ACTIONS-PAST	ISLANDS TRUST ACTIONS – FUTURE
<p><i>Agricultural Land Commission Act</i> via</p> <ul style="list-style-type: none"> • Order in Council 159/2016 • Bill 25 – 2016 <i>Miscellaneous Amendments Act</i>. • Order in Council 508/2016 • Order in Council 602/2016 	In effect	<p>The provincial government has enacted the following changes in 2016:</p> <ul style="list-style-type: none"> • New fee for ALC applications. ALC portion of the fee increased from \$300 to \$1200 (no change to the \$300 fee to local government) • Local governments undertaking block exclusions require consent of the landowner. Block exclusion is a process where a local government has identified, through planning process, a need to remove land from the ALR for other uses. The local government can make the request for more than one parcel at a time. The change in the <i>Act</i> now requires owner consent from all affected parcels. • Clarified definition of agri-tourism and adds a definition of “gathering for an event”. 	<p>New fee being collected as of April 1, 2016 and forwarded to the ALC with referral of application.</p> <p>Local trust committees have not undertaken any block exclusions.</p>	<p>No action required.</p> <p>Future local trust committee and island municipality land use amendments should consider the implications of the changes to the definition of agri-tourism and what is allowed as a gathering for an event.</p>
<p><i>Local Government Act</i> via Bill 25 – 2016 – <i>Miscellaneous Amendments Act</i>.</p>	In effect	Amends s.498 (Development Variance Permits) to correct a revision error that resulted in an unnecessary cross-reference.		No action required.

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New Resources

NEW RESOURCES	STATUS	SUMMARY	ISLANDS TRUST ACTIONS - PAST	ISLANDS TRUST ACTIONS - FUTURE
Canada's Marine Coasts in a Changing Climate	Released in 2016	<p><i>Canada's Marine Coasts in a Changing Climate</i> is Natural Resources Canada's latest science assessment of climate change impacts and adaptation is available on-line. The report contains a Synthesis, background chapters on the physical environment and human dimension of coasts, chapters examining Canada's East, North and West coast regions, and a series of FAQs. Case studies demonstrating action on adaptation are found throughout the report.</p> <p>The report states that southern Vancouver Island is one of three regions of BC where the largest amounts of relative sea-level rise are projected to occur.</p>		
Adapting to Climate Change on the BC Coast video series	Released in 2016	The "Adapting to Climate Change on the BC Coast" video series was developed by the Ministry of Environment for elected officials and the general public. It provides an introduction to living with climate change on the BC Coast, with special attention to three subject areas: coastal flood management examples of adaptation to sea level rise; rainwater management examples of adaptation to changed precipitation and stormwater patterns; water conservation examples of adaptation to seasonal droughts.		Trust Area Services staff will review the videos for potential use as part of TPC water conservation research project
Draft Manual of Composting Toilet and Greywater Practice for British Columbia	Released in July 2016	<p>This BC Ministry of Health technical manual is for industry, government agencies, environmental health officers and the general public who wish to consider cost-effective, ecofriendly alternatives to conventional onsite sewerage systems within the scope of the Sewerage System Regulation.</p> <p>It provides minimum standards and guidelines for planning, installation, monitoring and maintenance of composting toilet and greywater systems that will protect human health and the environment. The manual provides a comprehensive set of provisions that support the design, installation and maintenance of composting toilet-based sewerage systems, and aligns with the guiding legislation and the BC Building Code.</p>	None.	Trust Area Services staff will review the manual for potential use as part of TPC water conservation project.

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Discussion/Planning/Trust Fund Board Related Advocacy Topics

DISCUSSION/ PLANNING/TFB RELATED ADVOCACY TOPICS	STATUS	SUMMARY	ISLANDS TRUST ACTIONS - PAST	ISLANDS TRUST ACTIONS - FUTURE
BC land-based oil spill regime improvements	Announced in May 2015	<p>In May, the provincial government updated the <i>Environmental Management Act</i>, to create a provincial oil spill regime for land-based spills. The changes follow several years of engagement. The legislation:</p> <ul style="list-style-type: none"> • Establishes new requirements for spill preparedness, response and recovery • Creates new offences and penalties • Enables the certification of a Preparedness and Response Organization • Increase transparency, participation and accountability <p>Regulations are now being developed to enact the new legislation.</p>	<p>Highlights:</p> <p>In 2014, wrote to the BC Minister of Environment with input on the Policy Intentions Paper</p> <p>In 2013, wrote to the BC Minister of Environment expressing support for potential improvements.</p> <p>In 2012, submitted a UBCM resolution about the need for industry funding for BC oil spill prevention, preparedness and response with a three page backgrounder that included dramatic charts comparing BC spill capacity to Washington State and Alaska.</p> <p>In 2012, organized a “Role of Local Government during Oil Spill Response” session at the Association of Vancouver Island and Coastal Communities convention, which highlighted the lack of provincial leadership.</p> <p>In 2011, EC met with the BC Minister of Environment, and provided Executive Summary of a 2008 report.</p> <p>In 2010, EC met with the BC Minister of Environment. The Chair followed-up with a letter outlining the need for additional provincial resources for oil spill planning and response.</p>	None planned.

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Federal Ocean Protection Plan – oil spills	Announced November 7, 2016	<p>The federal government announced a \$1.5 billion ocean protection plan, addresses many but not all, of Islands Trust Council’s oil spill and derelict vessel advocacy requests, and may provide tools for better oversight of anchorages.</p> <p>The plan is vague regarding implementation on the West Coast. Transport Canada staff advise that they will provide Islands Trust with a technical briefing on the plan in the coming months. Additional details will also likely become available in federal budget announcements in early 2017.</p> <p>Details of the announcement are summarized in an attachment. Full details are available online at: http://pm.gc.ca/eng/news/2016/11/07/canada-as-ocean-protection-plan-world-leading-marine-safety-system-protects-canadas</p>	<p>Highlights:</p> <p>In 2016, wrote to the Prime Minister to express Council's ask for a moratorium until Transport Canada does proactive planning/mitigation.</p> <p>In 2016, submitted a UBCM resolution asking Transport Canada to assess the cumulative impacts and develop a mitigation plan.</p> <p>In 2015, wrote to the Minister of Transport with anchorage concerns.</p> <p>In 2013, provided a written submission as well as a letter co-signed by San Juan County's Chair to Transport Canada's Tanker Safety Expert Panel.</p> <p>In 2011, wrote to the Minister of Transport, requesting that the Islands Trust Area get Geographic Response Plans.</p> <p>In 2011, wrote to Minister of Transport expressing concern about diluted bitumen.</p> <p>In 2010, wrote to the Minister of Transport, expressing concerns re shipping and anchorages.</p>	Staff will continue to monitor and make recommendations to EC.
<p>Ocean Protection Plan – derelict vessels</p> <p>House of Commons Motion passed regarding derelict vessels</p>	Announced November 7, 2016	<p>The Ocean Protection Plan also included measures to address derelict vessels. The Oceans Protection Plan includes a package of measures, but it is unclear at this time if there will be funding to support removal of vessels where the owner is difficult to identify.</p> <p>Prior to the Ocean Protection Plan announcement in November, Federal</p>	<p>From 2012-2016, staff have participated in Joint Working Group for Removal of Problem Vessels in BC. In 2014, staff helped develop of provincial guides about problem vessels.</p> <p>In 2014, trustees and staff also supported a 2014 Transport Canada Inventory of Vessels of Concern in British Columbia.</p>	<p>Staff will continue to monitor and make recommendations to EC.</p> <p>Staff will continue to</p>

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		<p>parliament unanimously supported a motion on October 26 re derelict vessels. The motion supports that within six months the federal government will: <i>make amendments to the legislation surrounding the prohibition of abandoned vessels, incorporate more education, improve vessel owner identification, identify ways for government help in removing abandoned vessels and ensure that owners of abandoned vessels are liable for the vessels.</i> Islands Trust was mentioned twice during the discussion in Parliament.</p>	<p>In 2014, wrote to the federal Minister of Transport and the Minister of FLNRO about finding solutions to derelict vessels.</p> <p>In 2014, wrote to partner local governments encouraging them to also advocate to the provincial and federal governments for the timely development of long-term solutions to derelict vessel issues.</p> <p>In 2013, wrote to the Minister of FLNRO providing a derelict vessel advocacy update.</p> <p>In 2013, Islands Trust and Bowen Island Municipality offered a derelict vessel session at the UBCM Convention. The Chair provided a presentation at the clinic session.</p> <p>In 2013, proposed a resolution to UBCM petitioning the provincial and federal governments to increase their efforts to work together to create a permanent solution to the issue of abandoned and derelict vessels that includes sustainable funding sources.</p> <p>In 2013, met with Minister of FLNRO about derelict vessels and brought representatives from 17 partner local governments.</p> <p>In 2012, staff responded to a Transport Canada survey on derelict vessels using information provided by Islands Trust elected officials and community members.</p>	<p>participate on a Joint Working Group.</p>

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			<p>In 2011, wrote to three local government partners providing a derelict vessel advocacy update.</p> <p>In 2011, discussed derelict vessel issues with the BC Minister of Environment.</p> <p>In 2011, wrote to the federal Minister of Transport, Infrastructure and Communities, regarding support for derelict vessels bill (Bill C-231)</p> <p>In 2010, EC organized a meeting with the BC Minister of FLNRO about derelict vessels and docks, and brought six other local governments. Following this meeting, the Minister wrote to the federal Minister of Transportation about the issue.</p> <p>In 2010, EC worked with three other local governments and (AVICC) to develop a joint UBCM resolution on derelict and abandoned vessels, barges and docks. The same partners also organized a Finding Solutions for Management of Derelict Vessels workshop at UBCM. At UBCM, the EC also met with BC Minister of Forests, Mines and Lands re derelict vessels and followed up with a letter and with a letter to the new responsible Minister.</p>	
Call for Nominations for Canada’s Tentative List for World Heritage Sites	Nomination period closes in January 27, 2017	<p>Parks Canada has initiated a public process to solicit applications for consideration for Canada’s Tentative List for World Heritage Sites. Canadians are invited to submit applications over a six-month period.</p> <p>Applications must demonstrate that the proposed site has potential Outstanding Universal Value – the core requirement for all</p>		

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		<p>sites inscribed on the World Heritage List – by satisfying one or more of ten natural and cultural criteria. They must also meet additional World Heritage requirements for integrity and authenticity, be effectively managed and protected, and enjoy broad local support.</p> <p>Applications for the Tentative List must also demonstrate landowner consent, engagement and support of local Indigenous communities, and the support and engagement of local stakeholders.</p>		
Howe Sound Management and Cumulative Effects	<p>Provincial staff updated the Howe Sound Community Forum at meetings in 2016.</p> <p>Seven Howe Sound Current Condition Reports are targeted for completion by the Spring of 2017</p>	<p>As part of the province’s phased implementation of the BC Cumulative Effects Framework, FLNR staff collaborated with local communities and initiated the Howe Sound Cumulative Effects Project in the Spring of 2015. This project will help develop a common understanding of the current and potential future condition of key environmental values in Howe Sound. Information from the project will help to inform future management and land use decisions.</p>	<p>June 10, 2015 Executive Committee requested that Trust Area Services staff track the province’s work in relation to Howe Sound as part of its legislative monitoring program.</p> <p>Staff monitored media re Howe Sound.</p>	<p>Staff will continue to monitor the Province’s work regarding Howe Sound.</p>

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Coastal Douglas-fir and Associated Ecosystems Conservation Partnership (CDFCP)	Partnership is active.	<p>The CDFCP is a partnership of 40 organizations that have signed on to the CDFCP Statement of Collaboration. These members include Local Governments, Regional Governments, the Province of BC, the University of BC, several Environmental Non-Profit organizations and private landowners. To date, Islands Trust signatories include: the Islands Trust, Trust Fund Board, Gambier Island LTC, Gabriola Island LTC, Galiano LTC and Hornby Island LTC.</p> <p>In 2015, the CDFCP issued a Conservation Strategy that will begin to address a multi-variable approach to ecosystem conservation.</p> <p>The CDFCP has some funding in place from the Real Estate Foundation of BC until May 2017, to do outreach with local governments.</p>	<p>March 2013: Trust Council signed on to the Coastal Douglas-fir and Associated Ecosystems Conservation Partnership (CDFCP) Statement of Cooperation.</p> <p>June 2014: Trust Council session</p> <p>June 2015: Trust Council requested that staff work with the CDFCP to develop recommendations for Trust Council's consideration regarding local planning tools that local trust committees could use to protect Coastal Douglas-fir ecosystems.</p> <p>September 2015: The Islands Trust's CDFCP resolution passed at the UBCM convention.</p> <p>September 2015: Council received the CDFCP Conservation Strategy for information</p> <p>November 2015: Chair sent a letter to the CDFCP Steering Committee in support of the Conservation Strategy and indicating Trust Council's willingness to work with the CDFCP to implement the strategy as capacity allows.</p> <p>November 2015: Staff forwarded the CDFCP Conservation Strategy to local trust committees and Bowen Island Municipality as a potential resource.</p> <p>Gambier Island LTC has asked for CDFCP input into its OCP review.</p> <p>Gabriola Island LTC has added working with the CDFCP to its project list.</p>	<p>The Islands Trust Fund Ecosystem Protection Specialist will continue to be on the CDFCP Steering Committee.</p> <p>Trust Area Services staff will monitor for the Provincial response to the successful 2015 UBCM resolution</p> <p>Gambier Island Planner will follow up with CDFCP Steering Committee regarding Gambier LTC resolution inviting input into OCP review.</p>

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Provincial Species and Ecosystems at Risk and Local Governments Working Group	Active since 2009.	<p>The Species and Ecosystems at Risk Local Government Working Group (SEAR LGWG) was established in the fall of 2009 in response to the Minister of Environment’s interest in developing a collaborative, provincial vision for species and ecosystems at risk protection on private land.</p> <p>The SEAR LGWG consists of representatives from municipal, regional and provincial governments and the Union of British Columbia Municipalities (UBCM). A jointly prepared discussion paper Working Together to Protect Species at Risk: Strategies Recommended by Local Government to Improve Conservation on Municipal, Regional and Private Lands in British Columbia was completed in January 2011.</p> <p>In 2016, the Working Group struck a SEAR Charter Advisory Committee to help develop a SEAR Charter between the province and local governments to provide greater clarity on roles and responsibilities of both parties. The Charter is currently in draft form and being reviewed by the advisory committee. A SEAR Charter was one of the four short-medium term recommendations that came out of a 3-year SEAR Incentive Project, which supports the Five Year Plan for Species at Risk in B.C.</p>	<p>Marnie Eggen, Planner 2, and Mike Richards, Grants Administrator are members of Species and Ecosystems at Risk (SEAR) Local Government Working Group (LGWG) and a member of the a SEAR Charter Advisory Committee.</p> <p>Staff provided a response to the Province’s survey of local government in 2014.</p>	<p>LPS staff will continue to participate in the Working Group.</p> <p>LPS staff will attend the 4th SEAR Local Government Working Group Symposium (31 Jan – 1 Feb 2017) in Victoria</p>
Provincial engagement on Species at Risk	Consultation closes November	Three of the actions defined in 2014 provincial Five-Year Plan for Species at Risk plan aim to strengthen the foundation of the species at	The Islands Trust Chair sent a letter	TAS staff will continue to monitor

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	30, 2016	<p>risk program:</p> <ol style="list-style-type: none"> 1. Analyze opportunities for and make recommendations regarding changes to existing or new policy and legislation to address gaps in protection for species at risk, ensuring input from stakeholders and the public is considered prior to making any changes. 2. Explore and recommend new ways (including incentives and possible project funding) to promote voluntary protection of species at risk. 3. Develop options for innovative and enduring funding for species at risk stewardship programs. <p>The British Columbia Government has determined these actions are best informed by consultation and have asked for comments on four topic areas:</p> <ul style="list-style-type: none"> • Principles for the protection • Provincial protection • Protection on private land • Funding 		

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Consultation on federal <i>Species at Risk Act</i> policies	Consultation closes November 8, 2016	Environment and Climate Change Canada is seeking input on seven draft policies on the implementation of the <i>Species at Risk Act</i> . The seven draft policies are designed to support predictable, clear and consistent implementation of the act, and address critical habitat protection on non-federal lands, Species at Risk Act permitting, and listing policy for terrestrial species at risk, among other topics.	The Islands Trust Chair sent a letter	
Proposed Sunshine Coast Fixed Link	BC Gov't awarded contract on Feb 3, 2016, for feasibility study. Report due to BC Government in fall 2016.	The Government of B.C. is studying the costs and benefits of a possible highway link between the Sunshine Coast and Metro Vancouver. The link could include direct bridge connections across Howe Sound islands. The costs and benefits of each route will be assessed, and compared with ferry services.	The Islands Trust Chair and Gambier Island Chair sent letters in November 2016. In July 2016, Ann Kjerulf, Regional Planner Manager and Aleksandra Brzozowski, Island Planner, attended a local government staff consultation and Trustee Stamford attended an elected officials session.	Staff will monitor for release of final report.
Federal expert Panel review of federal environmental assessment processes	In progress	In September 2016, a federal Expert Panel launched a public review of Canada's environmental assessment processes. The consultation timelines is as follows: September 19, 2016 – Expert Panel launched its public review of environmental assessment processes, beginning its cross-country tour with public hearings and workshops in Saskatoon, SK December 12, 2016 - In-person engagement in	On January 22, 2016, the Islands Trust Chair wrote to the Minister of Environment and Climate Change re concerns with evaluation of marine shipping during environmental assessments and suggestions for improving public participation.	

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		<p>Vancouver (Advanced registration is strongly encouraged)</p> <p>December 15, 2016 – Final in-person engagement session, in Nanaimo, BC (Advanced registration is strongly encouraged)</p> <p>December 23, 2016 – Closing date for written and online submissions</p> <p>January 31, 2017 – Deadline for the Expert Panel to submit its report and recommendations to the Minister of Environment and Climate Change</p> <p>Mid-2017 – Once the Expert Panel has completed its work, the Minister of Environment and Climate Change will consider the recommendations in the Panel's report and identify next steps to improve federal environmental assessment processes.</p>		
Proposed Gabriola anchorage	On hold DFO completed a section 35 referral in June 2016	The Pacific Pilotage Authority has put a hold on the proposed new anchorage based on stakeholders' and partners' concerns regarding the consultation process with respect to the proposed location of five anchorages off Gabriola.	<p>Highlights:</p> <p>In 2016, wrote to the Prime Minister to express Council's ask for a moratorium until Transport Canada does proactive planning/mitigation and wrote to the Minister of Transport encouraging Transport Canada to engage in full community consultation and a detailed public analysis of the potential implications of extending the jurisdiction of the Nanaimo Port Authority,</p> <p>On March 30, 2016, Chair Luckham wrote to Pacific Pilotage Authority regarding the timing of the planned public meeting about the proposed Gabriola Island</p>	

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			<p>anchorage.</p> <p>On December 18, 2015, Chair Luckham wrote to the Honourable Marc Garneau, Minister of Transport, re minimizing anchorage use.</p> <p>On November 4, 2015, the Islands Trust hosted a stakeholder meeting about the Plumper Sound, Cowichan Bay and proposed Gabriola anchorages to promote dialogue and increased understanding of the issues.</p>	

Environmental Assessments in/near the Islands Trust Area

ENVIRONMENTAL ASSESSMENT	STATUS	SUMMARY	ISLANDS TRUST ACTIONS - PAST	ISLANDS TRUST ACTIONS - FUTURE
Kinder Morgan's Trans Mountain Pipeline Expansion Project application to National Energy Board	The federal cabinet is expected make a decision about approving the project on or before December 19.	<p>The project will increase the number of oil tankers from 60/year to about 408/year. On April 2, 2014, the National Energy Board announced that the Islands Trust Council was accepted as one of 1250 commenters.</p> <p>Oral summary arguments and final arguments concluded in February 2016.</p> <p>On May 19, 2016 the National Energy Board recommended to Cabinet that the Trans Mountain pipeline be approved with 157 conditions. In early November, a three-member Ministerial Panel provided a final report to the Minister of Natural Resources that summarized the input received and posed a set of questions for the federal government to consider prior to making a decision on the project in December.</p>	<p>On August 18, 2015, submitted a 13 page letter of comment with pictures.</p> <p>On August 9, 2016 the Islands Trust Chair provided a verbal presentation to the Ministerial Panel and resubmitted the letter of comment.</p> <p>Trustee Rogers also spoke to the Panel as a trustee.</p>	Staff will monitor for further consultation opportunities.

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BURNCO Aggregate Project environmental assessment process update	Public comments on the application closed on September 28, 2016.	BURNCO Rock Products Ltd is proposing to construct and operate a sand and gravel mine within the Lower McNab Valley, approximately 22 kilometres (km) southwest of Squamish and 35 km northwest of Vancouver. The projected lifespan of the proposed Project is 16 years. The average estimated rate of sand and gravel production is 1,000,000 tonnes per year, with one barge (two transits) every other day.	Aleksandra Brzozowski, Island Planner, was a member of the Environmental Assessment Office Working Group until April 2015 and rejoined the Working Group on January 2016 Trustee Stamford joined the Working Group on January 2016. October 2013 Chair letter to Environmental Assessment Office. October 2016 Chair Letter to EAO October 2016 Gambier LTC Chair letter to EAO	Staff will continue to monitor.
Roberts Bank Terminal 2 Canadian Environmental assessment	Consultation on the application closed on October 29, 2016	Port Metro Vancouver (PMV), proposes to build a new container terminal at Roberts Bank, Delta, B.C. consisting of a new three-berth marine container terminal located at Roberts Bank, Delta, B.C. The terminal could result in 520 additional vessel transits in the Salish Sea. In April 2015, CEAA issued the Roberts Bank Terminal 2 Project Review Panel Final Terms of Reference which stated that the environmental assessment must also take into account the environmental effects of marine shipping associated with the project which is beyond the care and control of the proponent (PMV) and within the 12 nautical mile limit of Canada's territorial sea. However, for the purposes of the Minister's decision on whether the project	October 2016 Chair letter to CEAA November 2015: Staff advised allies of the public comment period on the Marine Shipping Addendum to the Environmental Impact Statement Chair letter December 6, 2013	None planned.

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		is likely to cause significant adverse environmental effects, the environmental effects of marine shipping are not considered environmental effects and will not be subject to conditions to the proponent in any decision statement issued by the Minister under CEAA 2012. CEAA has received correspondence from number First Nations, local governments, non-profits agencies and individuals criticizing this approach.		

ISLANDS TRUST REQUESTS TO THE PROVINCE OF BC FOR CHANGES TO ISLANDS TRUST LEGISLATION / REGULATION (DURING PAST 10 YEARS)

ISLANDS TRUST COUNCIL REQUEST	WHEN	METHOD	RESPONSE
1. Amendments to the <i>Islands Trust Act</i> that would cause four local trustees to be elected to sit on the Salt Spring Island Local Trust Committee and Trust Council.	July 20, 2007	Letter to Hon. Ida Chong, Minister of Community Services	<p>May 2008 Minister Chong suggested Islands Trust hold a referendum in the Salt Spring Island LTA. If the referendum was successful, Minister Chong was willing to approve four local trustees for the SSILTC, but not to increase Salt Spring Island representation on Trust Council.</p> <p>Turned down by Salt Spring Island LTA referendum November 15, 2008.</p>
2. Changes to the <i>Islands Trust Act</i> that would enable the Islands Trust Council to determine the size of its Executive Committee.	July 20, 2007 June 2008 June 2011	Letter to Hon. Ida Chong, Minister of Community Services Trust Council later requested a simpler amendment - that S. 20(3) of the Islands Trust Act be amended to increase the number of vice chairs from three to four. Raised during a meeting between the Executive Committee and the Hon. Ida Chong, Minister of	Not advanced by the Ministry. Never formally turned down.

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		Community Services	
3. The necessary changes to provincial / legislation and regulations to permit Islands Trust bodies to hold meetings through electronic or other communication facilities.	July 20, 2007	Letter to Hon. Ida Chong, Minister of Community Services	Achieved in 2009 through provincial creation of a new Islands Trust Regulation.
4. Changes to provincial/legislation and regulations be made, if necessary, to confirm that Islands Trust bodies may perform their duties and functions while outside of the Islands Trust Area.	July 20, 2007	Letter to Hon. Ida Chong, Minister of Community Services	This topic originally arose in response to a court case, where a bylaw was quashed because the public hearing was held outside the jurisdiction. Further evaluation determined that the relevant legislation had been amended and did not apply to local trust committees.
5. Natural Area Protection Tax Exemption Program (NAPTEP) – extension to Bowen Island Municipality	October 27, 2009	Meeting with Hon. Bill Bennett, Minister of Community and Rural Development	Achieved June 2010 through minor amendment to legislation.
6. Bylaw dispute adjudication system	October 27, 2009	Meeting with Hon. Bill Bennett, Minister of Community and Rural Development	Achieved in 2011
7. Trust Fund Board corporate status and name change	June 2011	Name change raised during a meeting with the Hon. Ida Chong, Minister of Community Services	Advised by Minister to explore other solutions first to determine if can resolve challenges in other ways. Trust Fund Board has asked Trust Council Chair to seek this change in writing. Several requests have been made
	June 2011	Staff met with Ministry staff	
	November 20, 2012	Letter to Hon. Bill Bennett, Minister of Community, Sport and Cultural Development	Response received Feb 2013. Minister Bennett stated that changing the corporate structure of the Trust Fund Board has broad implications that require careful consideration. He further noted that government often requires a compelling reason, such as a legislative barrier to operations, prior to considering such a legislative request. He suggested that Islands Trust staff contact the Assistant Deputy Minister to arrange for

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ISLANDS TRUST COUNCIL REQUEST	WHEN	METHOD	RESPONSE
			further evaluation of the proposal.
	Sept 2013 and Feb 2014	Letters to Hon. Coralee Oakes, Minister of Community, Sport and Cultural Development	Several contacts with Ministry staff have been made, most recently in May 2015. The Assistant Deputy Minister repeated earlier advice that that the ministry does not currently have the capacity to undertake this complex a legislative change, given other provincial priorities.
	May 12, 2015	Executive Committee and senior staff met with new Assistant Deputy Minister Jay Schlosar, who has since left government	
	September 2015	Letter to Hon. Peter Fassbender, Minister of Community, Sport and Cultural Development	
	November 2015	Executive Committee and CAO met with Hon. Peter Fassbender, Minister of Community, Sport and Cultural Development	
8. Support in principle amending the Islands Trust Act to add "First Nations" to the list of those with whom we work "in co-operation."	September 2015	Trust Council requested the Executive Committee to consider asking the Minister of Community, Sport and Cultural Development to make this amendment, at an appropriate time, with respect to available resources and the potential for the amendment to be achieved.	

PENDING REQUEST TO TRUST COUNCIL	WHEN	METHOD	RESPONSE
Salt Spring Island Local Trust Committee requested the Executive Committee to investigate the possibility of amendments to the <i>Islands Trust Act</i> to broaden the Islands Trust's ability to serve its communities and to strengthen its mandate to preserve and protect.	May 5, 2016	Resolution #SS-2016-72	On May 18, 2016 the Executive Committee requested staff to add Salt Spring Island LTC Resolution re: <i>Islands Trust Act</i> to the Executive Committee work program report.

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Status of Treaty Negotiations in the Islands Trust Area

First Nations in Stage 5 of 6 in Treaty Process (Agreement-in-Principle; awaiting ratification)

1. K'omoks first Nation
2. Nanoose First Nation (part of Te'Mexw Treaty Assoc.)
3. Malahat First Nation (also part of Te'Mexw Treaty Assoc., and a Douglas Treaty Nation)
4. Songhees First Nation (also part of Te'Mexw Treaty Assoc., and a Douglas Treaty Nation)
5. Beecher Bay First Nation (also part of Te'Mexw Treaty Assoc., and a Douglas Treaty Nation)
6. Sooke First Nation (also part of Te'Mexw Treaty Assoc., and a Douglas Treaty Nation)

First Nations in Stage 4 of 6 in Treaty Process (Negotiating Agreement)

1. Cowichan Tribes (part of the Hul'quimi'num Treaty Group)
2. Penelakut First Nation (part of the Hul'quimi'num Treaty Group)
3. Halalt First Nation (part of the Hul'quimi'num Treaty Group)
4. Lyackson First Nation (part of the Hul'quimi'num Treaty Group)
5. Lake Cowichan First Nation (part of the Hul'quimi'num Treaty Group)
6. Nanaimo First Nation (also a Douglas Treaty Nation)
7. Sechelt First Nation
8. Tseil-Waututh First Nation
9. Musquem First Nation
10. Aitchelitz First Nation (part of the Sto:lo Nation treaty group)
11. Leqá:mel First Nation (part of the Sto:lo Nation treaty group)
12. Popkum First Nation (part of the Sto:lo Nation treaty group)
13. Skawahlook First Nation (part of the Sto:lo Nation treaty group)
14. Skowkale First Nation (part of the Sto:lo Nation treaty group)
15. Tzeachten First Nation (part of the Sto:lo Nation treaty group)
16. Yakwekwioose First Nation (part of the Sto:lo Nation treaty group)

First Nations in Stage 3 of 6 in Treaty Process (Agreement Framework)

17. Squamish First Nation

First Nations in Stage 2 of 6 in Treaty Process (Statement of Intent)

18. Hwlitsum First Nation (status of Nation under review)

First Nations with Aboriginal Rights and Title but no longer in BC Treaty process

19. Chemainus First Nation (part of the Hul'quimi'num Treaty Group)

First Nations with Ratified Modern Treaties

20. Tsawwassen First Nation (2009)
21. Tla'amin (Sliammon) First Nation (2016)

N.B. Nations forfeit their Douglas Treaty rights if and when they sign a modern BC Treaty

Summary of Federal Government Ocean Protection Plan

Below is a summary of federal commitments that are relevant to the Islands Trust Area:

Regulatory changes *(details still to come)*:

- Regulations and other tools to better respond to local marine traffic issues *(may provide for anchorage management/oversight)*
- Tougher requirements on industry to provide quicker action for any spills from a ship
- Amendments to the Canadian Ship-source Oil Pollution Fund to ensure adequate industry-funded compensation is available for those affected by oil spills.

Anchorage management:

- The federal government's commitment to pursue shared leadership opportunities with Indigenous and coastal communities related to managing vessel navigation locally may provide for opportunities to reduce risks and social impacts associated with anchorages.
- The announcement includes a commitment to support enhanced sharing of marine traffic information with local communities in real-time (which could mean use of domain awareness systems such as the one developed by the Port of Nanaimo)

Emergency towing:

- Coast Guard to lease two large vessels capable of towing commercial vessels and large container ships (location in Canada unclear)
- Install towing kits on CCG major vessels

Research:

- Research to into how petroleum products behave in Canada's waters and specific environmental conditions.
- Six pilot projects in priority areas to improve oil spill trajectory modelling. The six regions have not been announced.
- A pilot baseline monitoring program (location not clear) to:
 - better understand the cumulative effects of shipping on coastal ecosystems;
 - develop appropriate mitigation measures; and
 - better monitor clean-up in the event of a spill

Response improvements:

- New international partnerships to provide access to the best technology available for spill response.
- New Coast Guard environmental response depot with modern response equipment and a dedicated Primary Environmental Response Team near Port Hardy and with the possibility of another Response Team in BC

Protecting marine mammals

- Research into how to protect marine mammals from the effects of shipping, including collisions and noise pollution,
- Program to locate and track marine mammals in high vessel traffic areas and provide this information to mariners.

- Research to identify and assess the most pressing local environmental issues impacting the state of marine mammals and the effectiveness of existing mitigation measures.
- New capacity for DFO Fishery Officers to develop a national approach, in line with international best practices, to respond to marine mammal incidents such as collisions, entanglements and standings.

Funding:

- Funding for *coastal zone plans* and to identify restoration priorities.
- Additional emergency and enforcement officers on the Pacific and Atlantic coasts

Stronger Canadian Coast Guard

- Strengthened CCG's Marine Communications and Traffic Services Centres to ensure uninterrupted communications with mariners;

Better coordinated federal emergency response

- Form new Indigenous Community Response Teams in British Columbia, which will offer training for search and rescue, environmental response, and incident command.
- Expand the CCG Auxiliary's role in responding to oil spills.
- Conduct regular response exercises with communities, stakeholders and Indigenous communities to ensure response readiness.

Indigenous and coastal communities/governments role

- The Government of Canada will partner with Indigenous and coastal communities and seek their advice in a number of areas, including:
 - understanding the combined effects of shipping;
 - creating local vessel control areas to minimize safety risks and/or environmental impacts;
 - updating and modernizing regulations and other tools to better respond to community issues related to marine traffic;
 - setting habitat restoration priorities and taking the most appropriate measures when monitoring clean-up, in the event of a spill;
- Regional partnerships with Indigenous and local communities so they can play an active role in decisions about marine safety.
- Form new Indigenous Community Response Teams in British Columbia which will offer formal training for search and rescue, environmental response, and incident command.
- Create a new chapter of the CCG Auxiliary in British Columbia to support Indigenous communities.

Abandoned, derelict and wrecked vessels

- Prohibit owners from abandoning their vessels;
- Make vessel owners responsible and liable for the cost of any vessel clean-up as a result of abandonment, maritime casualty, or irresponsible vessel management;

- Empower the federal government to take more proactive action on vessels causing hazards before they become costly to address;
- Improve the accuracy of vessel owner identification to help ensure they can be held responsible;
- Create a list of problem vessels to understand the scope, scale and risks associated with this issue;
- Work with provincial and local governments and Indigenous communities to support the clean-up of smaller high-priority vessels posing risks to coastal communities, and develop plans to address large commercial problem vessels, according to the risks they pose; and,
- Promote education and outreach activities to inform owners of their responsibilities for proper vessel disposal.

In the federal Finance Minister's November economic update he mentions that Budget 2017 he stated that marine safety will be a key area of focus of Budget 2017.